

**Methodology for the Development  
of the  
2020 Section 303(d) List in Missouri**

**Final  
Clean Water Commission Approved  
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Missouri Department of Natural Resources  
Division of Environmental Quality  
Water Protection Program



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## **I. Citation and Requirements**

### **A. Citation of Section of Clean Water Act**

The Missouri Department of Natural Resources (MDNR) is responsible for the implementation and administration of the Federal Clean Water Act in Missouri. Pursuant to Section 40 CFR 130.7, States, Territories or authorized Tribes must submit biennially to the United States Environmental Protection Agency (EPA) a list of water quality limited (impaired) segments, pollutants causing impairment, and the priority ranking of waters targeted for Total Maximum Daily Load (TMDL) development. Federal regulation at 40 CFR 130.7 also requires States, Territories, and authorized Tribes to submit to EPA a written methodology document describing the State's approach in considering, and evaluating existing readily available data used to develop their 303(d) list of impaired water bodies. The listing methodology must be submitted to the EPA each year the Section 303(d) list is due. While EPA does not approve or disapprove the listing methodology, the agency considers the methodology during its review of the states 303(d) impaired waters list and the determination to list or not to list waters.

Following the Missouri Clean Water Commission approval, Section 303(d) is submitted to EPA. This fulfills Missouri's biennial submission requirements of an integrated report required under Sections 303(d), 305(b) and 314 of the Clean Water Act. In years when no integrated report is submitted, the department submits a copy of its statewide water quality assessment database to EPA.

### **B. U.S. EPA Guidance**

In 2001 the Office of General Counsel and the Office of Wetlands, Oceans, and Watersheds developed a recommended framework to assist EPA regions in the preparation of their approval letters for the States' 2002 Section 303(d) list submissions. This was to provide consistency in making approval decisions along with guidance for integrating the development and submission of the 2002 Section 305(b) water quality reports and Section 303(d) list of impaired waters<sup>1</sup>.

The following sections provide an overview of EPA Integrated Report guidance documents from calendar year 2002 through 2015.

The 2002 Integrated Water Quality Monitoring and Assessment Report Guidance was the first document EPA provided to the States, Territories, and authorized Tribes with directions on how to integrate the development and submission of the 2002 305(b) water quality reports and Section 303(d) list of impaired waters.

The guidance recommended that States, Territories and authorized Tribes submit a combined integrated report that would satisfy the Clean Water Act requirements for both Section 305(b) water quality reports and Section 303(d) list. The 2002 Integrated Report was to include:

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<sup>1</sup> Additional information can be obtained from EPA's website:  
<http://water.epa.gov/lawsregs/lawguidance/cwa/tmdl/guidance.cfm>.

- Delineation of water quality assessment units based on the National Hydrography Dataset (NHD);
- Status of and progress toward achieving comprehensive assessments of all waters;
- Water quality standard attainment status for every assessment unit;
- Basis for the water quality standard attainment determinations for every assessment unit;
- Additional monitoring that may be needed to determine water quality standard attainment status and, if necessary, to support development of total maximum daily loads (TMDLs) for each pollutant/assessment unit combination;
- Schedules for additional monitoring planned for assessment units;
- Pollutant/assessment unit combinations still requiring TMDLs; and
- TMDL development schedules reflecting the priority ranking of each pollutant/assessment unit combination.

The 2002 EPA guidance described the requirements under Section 303(d) of the Clean Water Act where states were required to describe the methodology used to develop their 303(d) list. EPA's guidance recommended the states provide: (1) a description of the methodology used to develop Section 303(d) list; (2) a description of the data and information used to identify impaired and threatened waters; (3) a rationale for not using any readily available data and information; and (4) information on how interstate or international disagreements concerning the list are resolved. Lastly (5), it is recommended that "prior to submission of its Integrated Report, each state should provide the public the opportunity to review and comment on the methodology." In accordance with EPA guidance, the department reviews and updates the Listing Methodology Document (LMD) every two years. The LMD is made available to the public for review and comment at the same time the state's 303(d) impaired waters list is published for public comment. Following the public comment period, the department responds to public comments and provides EPA with a document summarizing all comments received.

In July 2003, EPA issued new guidance entitled "Guidance for 2004 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d) and 305(b) of the Clean Water Act." This guidance gave further recommendations about listing of 303(d) and other waters.

In July 2005, EPA published an amended version entitled "Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act" (see Appendix A for Excerpt).

In October 2006, EPA issued a memorandum entitled "Information Concerning 2008 Clean Water Act Sections 303(d), 305(b) and 314 Integrated Reporting and Listing Decisions." This memorandum serves as EPA's guidance for the 2008 reporting cycle and beyond. This guidance recommended the use of a five-part categorization scheme and that each state provides a comprehensive description of the water quality standards attainment status of all segments within a state (reference Table 1 below). The guidance also defined a "segment" as being used synonymous with the term "assessment unit" used in previous Integrated Report Guidance. Overall, the selected segmentation approach should be consistent with the state's water quality standards and be capable of providing a spatial scale that is adequate to characterize the water quality standards attainment status for the segment.

It was in the 2006 guidance that EPA recommended all waters of the state be placed in one of five categories described below.

**Table 1. Placement of Waters within the Five Categories in the 2006<sup>2</sup> EPA Assessment, Listing and Reporting Guidance**

<b><u>Category 1</u></b>	<p>All designated uses are fully maintained. Data or other information supporting full use attainment for all designated uses must be consistent with the state’s Listing Methodology Document (LMD). The department will place a water in Category 1 if the following conditions are met:</p> <ul style="list-style-type: none"> <li>• The water has physical and chemical data (at a minimum, water temperature, pH, dissolved oxygen, ammonia, total cobalt, and total copper for streams, and total nitrogen, total phosphorus and secchi depth for lakes) and biological water quality data (at a minimum, <i>E. coli</i> or fecal coliform bacteria) that indicates attainment with water quality standards.</li> <li>• The level of mercury in fish fillets or plugs used for human consumption is 0.3 mg/kg (wet weight) or less. Only samples of higher trophic level species (largemouth, smallmouth and spotted bass, sauger, walleye, northern pike, trout (rainbow and trout), striped bass, white bass, flathead catfish and blue catfish) will be used.</li> <li>• The water is not rated as “threatened.”</li> </ul>
<b><u>Category 2</u></b>	<p>One or more designated uses are fully attained but at least one designated use has inadequate data or information to make a use attainment decision consistent with the state’s LMD. The department will place a water in Category 2 if at least one of the following conditions are met:</p> <ul style="list-style-type: none"> <li>• There is inadequate data for water temperature, pH, dissolved oxygen, ammonia, total cobalt or total copper in streams to assess attainment with water quality standards or inadequate data for total nitrogen, total phosphorus or secchi depth in lakes.</li> <li>• There is inadequate <i>E. coli</i> or fecal coliform bacteria data to assess attainment of the whole body contact recreational use.</li> <li>• There are insufficient fish fillet, tissue, or plug data available for mercury to assess attainment of the fish consumption use.</li> </ul> <p>Category 2 waters will be placed in one of two sub-categories.</p> <p>Category 2A: Waters will be placed in this category if available data, using best professional judgement, suggests compliance with numerical water quality criteria of Tables A or B in Missouri’s Water Quality Standards (10 CSR 20-7.031) or other quantitative thresholds for determining use attainment.</p>

<sup>2</sup> <http://www.epa.gov/sites/production/files/2015-10/documents/2006irg-report.pdf>

	<p>Category 2B: Waters will be placed in this category if the available data, using best professional judgment, suggests noncompliance with numeric water quality criteria of Tables A or B in Missouri's Water Quality Standards, or other quantitative thresholds for determining use attainment, and these data are insufficient to support a statistical test or to qualify as representative data. Category 2B waters will be given high priority for additional water quality monitoring.</p>
<b><u>Category 3</u></b>	<p>Water quality data are not adequate to assess any of the designated beneficial uses consistent with the LMD. The department will place a water in Category 3 if data are insufficient to support a statistical test or to qualify as representative data to assess any of the designated uses. Category 3 waters will be placed in one of two sub-categories.</p> <p>Category 3A. Waters will be placed in this category if available data, using best professional judgment, suggests compliance with numerical water quality criteria of Tables A or B in Missouri's Water Quality Standards (10 CSR 20-7.031) or other quantitative thresholds for determining use attainment. Category 3A waters will be tagged for additional water quality monitoring, but will be given lower priority than Category 3B waters.</p> <p>Category 3B. Waters will be placed in this category if the available data, using best professional judgment, suggest noncompliance with numerical water quality criteria of Tables A or B in Missouri's Water Quality Standards or other quantitative thresholds for determining use attainment. Category 3B waters will be given high priority for additional water quality monitoring.</p>
<b><u>Category 4</u></b>	<p>State water quality standards or other criteria, as per the requirements of Appendix B &amp; C of this document, are not attained, but a Total Maximum Daily Load (TMDL) study is not required. Category 4 waters will be placed in one of three sub-categories.</p> <p>Category 4A. EPA has approved a TMDL study that addresses the impairment. The department will place a water in Category 4A if both the following conditions are met:</p> <ul style="list-style-type: none"><li>• Any portion of the water is rated as being in non-attainment with state water quality standards or other criteria as explained in</li></ul>

	<p>Appendix B &amp; C of this document due to one or more discrete pollutants or discrete properties of the water<sup>3</sup>, and</p> <ul style="list-style-type: none"><li>• EPA has approved a TMDL for all pollutants that are causing non-attainment.</li></ul> <p>Category 4B. Water pollution controls required by a local, state or federal authority, are expected to correct the impairment in a reasonable period of time. The department will place a water in Category 4B if <b>both</b> of the following conditions are met:</p> <ul style="list-style-type: none"><li>• Any portion of the water is rated as being in non-attainment with state water quality standards or other criteria as explained in Appendix B &amp; C of this document due to one or more discrete pollutants or discrete properties of water<sup>3</sup>, and</li><li>• A water quality based permit that addresses the pollutant(s) causing the designated use, impairment has been issued, and compliance with the permit limits will eliminate the impairment; or other pollution control requirements have been made that are expected to adequately address the pollutant(s) causing the impairment. This may include implemented voluntary watershed control plans as noted in EPA's guidance document.</li></ul> <p>Category 4C. Any portion of the water is rated as being in non-attainment with state water quality standards or other criteria as explained in Appendix B &amp; C of this document, and a discrete pollutant(s) or other discrete property of the water<sup>3</sup> does not cause the impairment. Discrete pollutants may include specific chemical elements (e.g., lead, zinc), chemical compounds (e.g., ammonia, dieldrin, atrazine) or one of the following quantifiable physical, biological or bacteriological conditions: water temperature, percent of gas saturation, amount of dissolved oxygen, pH, deposited sediment, toxicity or counts of fecal coliform or <i>E. coli</i> bacteria.</p>
<b><u>Category 5</u></b>	<p>At least one discrete pollutant has caused non-attainment with state water quality standards or other criteria as explained in Appendix B &amp; C of this document, and the water does not meet the qualifications for listing as either Categories 4A or 4B. Category 5 waters are those that are candidates for the state's 303(d) List<sup>4</sup>.</p>

<sup>3</sup> A discrete pollutant or a discrete property of water is defined here as a specific chemical or other attribute of the water (such as temperature, dissolved oxygen or pH) that causes beneficial use impairment and that can be measured quantitatively.

<sup>4</sup> The proposed state 303(d) List is determined by the Missouri Clean Water Commission and the final list is determined by the U.S. Environmental Protection Agency.

	<p>If a designated use is not supported and the segment is impaired or threatened, the fact that a specific pollutant is not known does not provide a basis for excluding a segment from Category 5.</p> <p>Category 5. These segments must be listed as Category 5 unless the state can demonstrate that no discrete pollutant(s) causes or contributes to the impairment. Pollutants causing the impairment will be identified through the 303(d) assessment and listing process before a TMDL study is written. The TMDL should be written within the time frame preferred in EPA guidance for TMDL development, when it fits within the state's TMDL prioritization scheme.</p> <p>Category 5-alt. A water body assigned to 5-alt is an impaired water without a completed TMDL but assigned a low priority for TMDL development because an alternative restoration approach is being pursued. This also provides transparency to the public that a state is pursuing restoration activities in those waters to achieve water quality standards. The addition of this sub-category will facilitate tracking alternative restoration approaches in 303(d) listed waters in priority areas.</p>
<b><u>Threatened Waters</u></b>	<p>When a water is currently attaining all designated uses, but the data shows an inverse (time) trend in quality for one or more discrete water quality pollutants indicating the water will not continue to meet these uses before the next listing cycle. Such water will be considered "threatened." A threatened water will be treated as an impaired water and placed in the appropriate Category (4A, 4B, or 5).</p>

In subsequent years, EPA has provided additional guidance, but only limited new supplemental information has been provided since the 2008 cycle.

In August 2015, the EPA provided draft guidance that would include a Category 5-alternative (5-alt) (reference Table 1 above). Additional information can be found at EPA's website:

<http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/guidance.cfm>.

## **II. The Methodology Document**

### **A. Procedures and Methods Used to Collect Water Quality Data**

- Department Monitoring

The major purposes of the department's water quality monitoring program are to:

- characterize background or reference water quality conditions;
- better understand daily, flow event and seasonal water quality variations and their underlying processes;
- characterize aquatic biological communities;
- assess trends in water quality;
- characterize local and regional effects of point and nonpoint sources pollutants on water quality;
- check for compliance with water quality standards and/or wastewater permit limits;
- support development of strategies, including Total Maximum Daily Loads, to return impaired waters to compliance with Water Quality Standards. All of these objectives are statewide in scope.

- Coordination with Other Monitoring Efforts in Missouri

To maximize efficiency, the department routinely coordinates its monitoring activities with other agencies to avoid overlap, and to give and receive feedback on monitoring design. Data from other sources are used for meeting the same objectives as department-sponsored monitoring. The data must fit the criteria described in the data quality considerations section of this document. The agencies most often involved are the U.S. Geological Survey, the U.S. Army Corps of Engineers, EPA, the Missouri Department of Conservation (MDC), and the Missouri Department of Health and Senior Services. The Department of Natural Resources also tracks the monitoring efforts of the National Park Service; the U.S. Forest Service; several of the state's larger cities; the states of Oklahoma, Arkansas, Kansas, Iowa, and Illinois; and graduate level research conducted at universities within Missouri. For those wastewater discharges where the department has required instream water quality monitoring, the department may also use monitoring data acquired by wastewater dischargers as a condition of discharge permits issued by the department. In 1995, the department also began using data collected by volunteers that have passed Volunteer Water Quality Monitoring Program Quality Assurance/Quality Control tests.

- Existing Monitoring Networks and Programs

The following is a list and a brief description of the kinds of water quality monitoring activities presently occurring in Missouri.

## **1. Fixed Station Network**

- a) Objective: To better characterize background or reference water quality conditions, to better understand daily, flow events, and seasonal water quality variations and their underlying processes, to assess trends and to check for compliance with water quality standards.
- b) Design Methodology: Sites are chosen based on one of the following criteria:
  - Site is believed to have water quality representative of many neighboring streams of similar size due to similarity in watershed geology, hydrology and land use, and the absence of any impact from a significant point or discrete nonpoint water pollution source.
  - Site is downstream of a significant point source or discrete nonpoint source area.
- c) Number of Sites, Sampling Methods, Sampling Frequency, and Parameters:
  - MDNR/U.S. Geological Survey cooperative network: approximately 70 sites statewide, horizontally and vertically integrated grab samples, four to twelve times per year. Samples are analyzed for major ions (e.g. calcium, magnesium, sulfate, and chloride), nutrients (e.g. phosphorus and nitrogen), temperature, pH, dissolved oxygen, specific conductance, bacteria (e.g. *Escherichia coli* (*E. coli*) and fecal coliform) and flow on all visits, two to four times annually for suspended solids and heavy metals, and for pesticides six times annually at four sites.
  - MDNR/University of Missouri-Columbia's lake monitoring network. This program has monitored about 249 lakes since 1989. About 75 lakes are monitored each year. Each lake is usually sampled four times during the summer and about 12 are monitored spring through fall for nutrients, chlorophyll, turbidity and suspended solids.
  - Department routine monitoring of finished public drinking water supplies for bacteria and trace contaminants.
  - Routine bacterial monitoring for *E. coli* of swimming beaches at Missouri's state parks during the recreational season by the department's Missouri State Parks.
  - Monitoring of sediment quality by the department at approximately 10-12 discretionary sites annually. Sites are monitored for several heavy metals (e.g. arsenic, cadmium, copper, lead, mercury, nickel, zinc, etc.) and/or organic contaminants (e.g. polycyclic aromatic hydrocarbons, etc.).

## **2. Special Water Quality Studies**

- a) Objective: Special water quality studies are used to characterize water quality effects from a specific pollutant source area.

- b) **Design Methodology:** These studies are designed to verify and measure the contaminants of concern based on previous water quality studies, effluent sampling and/or Missouri State Operating Permit applications. These studies employ multiple sampling stations downstream and upstream (if appropriate). If contaminants of concern have significant seasonal or daily variation, the sampling design must account for such variation.
- c) **Number of Sites, Sampling Methods, Sampling Frequency and Parameters:** The department conducts or contracts up to 10 to 15 special studies annually, as funding allows. Each study has multiple sampling sites. The number of sites, sampling frequency and parameters all vary greatly depending on the study. Intensive studies would also require multiple samples per site over a relatively short time frame.

### **3. Toxics Monitoring Program**

The fixed station network and many of the department's intensive studies monitor for acute and chronic toxic chemicals<sup>5</sup>. In addition, major municipal and industrial dischargers must monitor for acute and chronic toxicity in their effluents as a condition of their Missouri State Operating Permit.

### **4. Biological Monitoring Program**

- a) **Objectives:** The objectives of the Biological Monitoring programs are to develop numeric criteria describing "reference" aquatic macroinvertebrate and fish communities in Missouri's streams, to implement these criteria within state water quality standards and to maintain a statewide fish and aquatic macroinvertebrate monitoring program.
- b) **Design Methodology:** Development of biocriteria for fish and aquatic macroinvertebrates<sup>6</sup> involves identification of reference streams in each of Missouri's aquatic ecoregions and 17 ecological drainage units, respectively. It also includes intensive sampling of invertebrate and fish communities to quantify temporal and spatial variation in reference streams within ecoregions and variation among ecoregions, and the sampling of chemically and physically impaired streams to assess the aquatic community.
- c) **Number of Sites, Sampling Methods, Sampling Frequency and Parameters:** The department has conducted biological sampling of aquatic macroinvertebrates for many years. Since 1991, the department's aquatic macroinvertebrate monitoring program has consisted of standardized monitoring of approximately 45 to 55 sites twice annually. In addition, the MDC presently has a statewide fish and aquatic macroinvertebrate monitoring program, the Resource Assessment and Monitoring (RAM) Program, designed monitor and assess the health of Missouri's stream resources on a rotating basis. This program samples a minimum of 450 random and 30 reference sites every five years.

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<sup>5</sup> As defined in 10 CSR 20-7.031(1)

<sup>6</sup> For additional information visit: <http://dnr.mo.gov/env/esp/wqm/biologicalassessments.htm>

## **5. Fish Tissue Monitoring Program**

- a) Objective: Fish tissue monitoring addresses two objectives: (1) the assessment of ecological health or the health of aquatic biota (usually accomplished by monitoring whole fish samples); and (2) the assessment of human health risk based on the level of contamination of fish tissue plugs, or fillets.
- b) Design Methodology: Fish tissue monitoring sites are chosen based on one of the following criteria:
  - Site is believed to have water and sediment quality representative of many neighboring streams or lakes of similar size due to similarity in geology, hydrology and land use, and the absence of any known impact from a significant point source or discrete nonpoint water pollution source.
  - Site is downstream of a significant point source or discrete nonpoint source area.
  - Site has shown fish tissue contamination in the past.
- c) Number of Sites, Sampling Methods, Sampling Frequency and Parameters:

The department plans to maintain a fish tissue monitoring program to collect whole fish composite samples<sup>7</sup> at approximately 13 fixed sites. In previous years, this was a cooperative effort between EPA and the department through EPA's Regional Ambient Fish Tissue (RAFT) Monitoring Program. Each site will be sampled once every two years. The preferred species for these sites are either Common Carp (*Cyprinus carpio*) or one of the Redhorse (a.k.a. sucker) species (*Moxostoma* sp.).

The department, EPA, and MDC also sample 40 to 50 discretionary sites annually for two fish fillet composite samples or fish tissue plug samples (mercury only) from fish of similar size and species. One sample is of a top carnivore such as Largemouth Bass (*Micropterus salmoides*), Smallmouth Bass (*Micropterus dolomieu*), Walleye (*Sander vitreus*), or Sauger (*Sander canadensis*). The other sample is for a species of a lower trophic level such as catfish, Common Carp or sucker species (Catostomidae). This program occasionally samples fish eggs for certain fish species at selected locations. Both of these monitoring programs analyze for several chlorinated hydrocarbon insecticides, PCBs, lead, cadmium, mercury, and fat content.

## **6. Volunteer Monitoring Program**

Two major volunteer monitoring programs generate water quality data in Missouri. The data generated from these programs are used for statewide 305(b) reporting on general water quality health, used as a screening level tool to determine where additional monitoring is needed, or used to supplement other water quality data for watershed planning purposes.

- Lakes of Missouri Volunteer Program<sup>8</sup>. This cooperative program consists of persons from the department, the University of Missouri-Columbia, and volunteers who monitor

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<sup>7</sup> A composite sample is one in which several individual fish are combined to produce one sample.

<sup>8</sup> For additional program information visit: <http://www.lmvp.org/>

approximately 137 sites on 66 lakes, including Lake Taneycomo, Table Rock Lake and several lakes in the Kansas City area. Lake volunteers are trained to collect samples for total phosphorus, total nitrogen, chlorophyll and inorganic suspended sediments. Data from this program is used by the university as part of a long-term study on the limnology of mid-western reservoirs.

- **Volunteer Water Quality Monitoring Program.** The Volunteer Water Quality Monitoring Program<sup>9</sup> is an activity of the Missouri Stream Team Program, which is a cooperative project sponsored by the department, the Missouri Department of Conservation, and the Conservation Federation of Missouri. The program involves volunteers who monitor water quality of streams throughout Missouri. There are currently over 5,000 Stream Teams and more than 3,600 trained water quality monitors. Approximately 80,000 citizens are served each year through the program. Since the beginning of the Stream Team program, 494,232 volunteers have donated about 2 million hours valued at more than \$38 million to the State of Missouri.

After the Introductory class, many attend at least one more class of higher level training: Levels 1, 2, 3 and 4. Each level of training is a prerequisite for the next higher level, as is appropriate data submission. Data generated by Levels 2, 3, and 4 and the Cooperative Stream Investigation (CSI) Program volunteers represent increasingly higher quality assurance. For CSI projects, the volunteers have completed a quality assurance/quality control workshop, completed field evaluation, and/or have been trained to collect samples following department protocols. Upon completing Introductory and Level 1 and 2 training, volunteers will have received the basic level training to conduct visual stream surveys, stream discharge measurements, biological monitoring, and collect physical and chemical measurements for pH, conductivity, dissolved oxygen, nitrate, and turbidity.

Of those completing an Introductory course, about 35 percent proceed to Levels 1 and 2. The CSI Program uses trained volunteers to collect samples and transport them to laboratories approved by the department. Volunteers and department staff work together to develop a monitoring plan. All Level 2, 3, and 4 volunteers, as well as all CSI trained volunteers, are required to attend a validation session every 3 years to ensure equipment, reagents and methods meet program standards.

- Identification of All Existing and Readily Available Water Quality Data Sources

#### Data Solicitation Request

In the calendar year 2 years prior to the current listing cycle, the department sends out a request for all available water quality data (chemical and biological). The data solicitation requests water quality data for approximately a two year timeframe prior to and including the current calendar year (up to October 31<sup>st</sup> of the current year). The data solicitation request is sent to multiple agencies, neighboring states, and organizations. In addition, and

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<sup>9</sup> For additional program information visit: <http://dnr.mo.gov/env/wpp/VWQM.htm>

as part of the data solicitation process, the department queries available water quality data from national databases such as EPA's Storage and Retrieval (STORET)/Water Quality Exchange (WQX) data warehouse<sup>10</sup>, and the USGS Water Quality Portal<sup>11</sup>.

The data must be spatially and temporally representative of the actual annual ambient conditions of the water body. Sample locations should be characteristic and representative of the main water mass or distinct hydrologic areas. With the exception of the data collected for those designated uses that require seasonally based data (e.g., whole body contact recreation, biological community data, and critical season dissolved oxygen), data should be distributed over at least three seasons, over two years, and should not be biased toward specific conditions (such as runoff, season, or hydrologic conditions).

Data meeting the following criteria will be accepted.

- Samples must be collected and analyzed under a Quality Assurance/Quality Control (QA/QC) protocol that follows the EPA requirements for quality assurance project plans.
- Samples must be analyzed following protocols that are consistent with the EPA or Standard Method procedures.
- All data submitted must be accompanied by a copy of the organization's QA/QC protocol and standard operating procedures.
- All data must be reported in standard units as recommended in the relevant approved methods.
- All data must be accompanied by precise sample location(s), preferably in either decimal degrees or Universal Transverse Mercator (UTM).
- All data must be received in a Microsoft Excel or compatible format.
- All data must have been collected within the requested period of record.

All readily available and acceptable data are uploaded into the department's Water Quality Assessment Database<sup>12</sup>, where the data undergoes quality control checks prior to 303(d) or 305(b) assessment processes.

- Laboratory Analytical Support

Laboratories used:

- Department/U.S. Geological Survey Cooperative Fixed Station Network: U.S. Geological Survey Lab, Denver, Colorado
- Intensive Surveys: Varies, many are done by the department's Environmental Services Program
- Toxicity Testing of Effluents: Many commercial laboratories

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<sup>10</sup> [http://www.epa.gov/storet/dw\\_home.html](http://www.epa.gov/storet/dw_home.html)

<sup>11</sup> <http://www.waterqualitydata.us/>

<sup>12</sup> [http://dnr.mo.gov/mocwis\\_public/wqa/waterbodySearch.do](http://dnr.mo.gov/mocwis_public/wqa/waterbodySearch.do)

- Biological Criteria for Aquatic Macroinvertebrates: department's Environmental Services Program and Missouri Department of Conservation
- Fish Tissue: EPA Region VII Laboratory, Kansas City, Kansas, and miscellaneous contract laboratories (Missouri Department of Conservation or U.S. Geological Survey's Columbia Environmental Research Center)
- Missouri State Operating Permit: Self-monitoring or commercial laboratories
- Department's Public Drinking Water Monitoring: department's Environmental Services Program and commercial laboratories<sup>13</sup>
- Other water quality studies: Many commercial laboratories

## **B. Sources of Water Quality Data**

The following data sources are used by the department to aid in the compilation of the state's integrated report (previously the 305(b) report). Where quality assurance programs are deemed acceptable, additional sources would also be used to develop the state's Section 303(d) list.

These sources presently include, but are not limited to:

1. Fixed station water quality and sediment data collected and analyzed by the department's Environmental Services Program personnel.
2. Fixed station water quality data collected by the U.S. Geological Survey under contractual agreements with the department.
3. Fixed station water quality data collected by the U.S. Geological Survey under contractual agreements to agencies or organizations other than the department.
4. Fixed station water quality, sediment quality, and aquatic biological information collected by the U.S. Geological Survey under their National Stream Quality Accounting Network and the National Water Quality Assessment Monitoring Programs.
5. Fixed station raw water quality data collected by the Kansas City Water Services Department, the St. Louis City Water Company, the Missouri American Water Company (formerly St. Louis County Water Company), Springfield City Utilities, and Springfield's Department of Public Works.
6. Fixed station water quality data collected by the U.S. Army Corps of Engineers. The Kansas City, St. Louis, and Little Rock Corps Districts have monitoring programs for Corps-operated reservoirs in Missouri.
7. Fixed station water quality data collected by the Arkansas Department of Environmental Quality, the Kansas Department of Health and Environment, the Iowa Department of Natural Resources, and the Illinois Environmental Protection Agency.
8. Fixed station water quality monitoring by corporations.
9. Annual fish tissue monitoring programs by EPA/Department RAFT Monitoring Program and MDC.
10. Special water quality surveys conducted by the department. Most of these surveys are

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<sup>13</sup> For additional information visit: <http://dnr.mo.gov/env/wpp/labs/>

focused on the water quality impacts of specific point source wastewater discharges. Some surveys are of well-delimited nonpoint sources such as abandoned mined lands. These surveys often include physical habitat evaluation and monitoring of aquatic macroinvertebrates as well as water chemistry monitoring.

11. Special water quality surveys conducted by U.S. Geological Survey, including but not limited to:
  - a) Geology, hydrology and water quality of various hazardous waste sites,
  - b) Geology, hydrology and water quality of various abandoned mining areas,
  - c) Hydrology and water quality of urban nonpoint source runoff in metropolitan areas of Missouri (e.g. St. Louis, Kansas City, and Springfield), and
  - d) Bacterial and nutrient contamination of streams in southern Missouri.
12. Special water quality studies by other agencies such as MDC, the U.S. Public Health Service, and the Missouri Department of Health and Senior Services.
13. Monitoring of fish occurrence and distribution by MDC.
14. Fish Kill and Water Pollution Investigations Reports published by MDC.
15. Selected graduate research projects pertaining to water quality and/or aquatic biology.
16. Water quality, sediment, and aquatic biological data collected by the department, EPA or their contractors at hazardous waste sites in Missouri.
17. Self-monitoring of receiving streams by cities, sewer districts and industries, or contractors on their behalf, for those discharges that require this kind of monitoring. This monitoring includes chemical and sometimes toxicity monitoring of some of the larger wastewater discharges, particularly those that discharge to smaller streams and have the greatest potential to affect instream water quality.
18. Compliance monitoring of receiving waters by the department and EPA. This can include chemical and toxicity monitoring.
19. Bacterial monitoring of streams and lakes by county health departments, community lake associations, and other organizations using acceptable analytical methods.
20. Other monitoring activities done under a quality assurance project plan approved by the department.
21. Fixed station water quality and aquatic macroinvertebrate monitoring by volunteers who have successfully completed the Volunteer Water Quality Monitoring Program Level 2 workshop. Data collected by volunteers who have successfully completed a training Level 2 workshop is considered to be Data Code One. Data generated from Volunteer Training Levels 2, 3 and 4 are considered "screening" level data and can be useful in providing an indication of a water quality problem. For this reason, the data are eligible for use in distinguishing between waters in Categories 2A and 2B or Categories 3A and 3B. Most of this data are not used to place waters in main Categories (1, 2, 3, 4, and 5) because analytical procedures do not use EPA or Standard Methods or other department approved methods. Data from volunteers who have not yet completed a Level 2 training

workshop do not have sufficient quality assurance to be used for assessment. Data generated by volunteers while participating in the department's Cooperative Site Investigation Program (Section II C1) or other volunteer data that otherwise meets the quality assurance outlined in Section II C2 may be used in Section 303(d) assessment.

The following data sources (22-23) **cannot** be used to rate a water as impaired (Categories 4A, 4B, 4C or 5); however, these data sources may be used to direct additional monitoring that would allow a water quality assessment for Section 303(d) listing.

22. Fish Management Basin Plans published by MDC.

23. Fish Consumption Advisories published annually by the Missouri Department of Health and Senior Services. Note: the department may use data from data source listed as Number 9 above, to list individual waters as impaired due to contaminated fish tissue.

As previously stated, the department will review all data of acceptable quality that are submitted to the department prior to the first public notice of the draft 303(d) list. However, the department will reserve the right to review and use data of acceptable quality submitted after this date if the data results in a change to the assessment outcome of the water.

### C. Data Quality Considerations

- DNR Quality Assurance/Quality Control Program

The department and EPA Region VII have completed a Quality Management Plan. All environmental data generated directly by the department, or through contracts funded by the department, or EPA require a Quality Assurance Project Plan<sup>14</sup>. The agency or organization responsible for collecting and/or analyzing environmental data must write and adhere to a Quality Assurance Project Plan approved through the department's Quality Management Plan. Any environmental data generated via a monitoring plan with a department approved Quality Assurance Project Plan are considered suitable for use in water quality assessment and the 303(d) listing. This includes data generated by volunteers participating in the department's CSI Program. Under this program, the department's Environmental Services Program will audit select laboratories. Laboratories that pass this audit will be approved for the CSI Program. Individual volunteers who collect field samples and deliver them to an approved laboratory must first successfully complete department training on how to properly collect and handle environmental samples. The types of information that will allow the department to make a judgment on the acceptability of a quality assurance program are: (1) a description of the training, and work experience of the persons involved in the program, (2) a description of the field meters and maintenance and calibration procedures, (3) a description of sample collection and handling procedures, and (4) a description of all analytical methods used in the laboratory for analysis.

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<sup>14</sup> For additional information visit: <http://www.epa.gov/quality/qapps.html>

- Other Quality Assurance/Quality Control Programs

Data generated in the absence of a department-approved Quality Assurance Project Plan may be used to assess a water body if the department determines that the data are adequate after reviewing and accepting the quality assurance procedures plan used by the data generator. This review would include: (1) names of all persons involved in the monitoring program, their duties, and a description of their training and work related experience, (2) all written procedures, Standard Operating Procedures, or Quality Assurance Project Plans pertaining to this monitoring effort, (3) a description of all field methods used, brand names and model numbers of any equipment, and a description of calibration and maintenance procedures, and (4) a description of laboratory analytical methods. This review may also include an audit by the department's Environmental Services Program.

- Data Qualifiers

Data qualifiers will be handled in different ways depending upon the qualifier, the analytical detection limit, and the numeric WQS.

- Less Than Qualifier "<" – For this qualifier the department will use half of the reported less than value. Unless circumstances cause issues with assessment. Examples of this include but are not limited to:
  - Less than values for bacteria. Since we calculate a geometric mean any value less than 1.0 could cause the data to be skewed if using the geometric mean calculation method of multiplying the values then dividing by the nth root.
  - Less than values below the criterion but still close to the criterion, less than values that are above the criterion. In these cases the department will not use the data for assessments.
- Non-detection Qualifier "ND" – The department treats these same as less than ("<") qualifiers, with the exception that a value is not reported. For these cases the department will use the method detection limit as the reported less than value.
- Greater Than Qualifier ">" – The department will only consider data with these qualifiers for assessments when it pertains to bacteria. In the cases of bacteria data the reported greater than (">") value is doubled then used in the assessment calculation. In circumstances where this practice is the sole reason for impairment then the greater than value(s) will be used at the reported value (i.e. not doubled) in the assessment calculation.
- Estimated Values "E" – These values are usually characterized as being above the laboratory quantification limit but below the laboratory reporting limit and are thus reported as estimated ("E"). Sometimes bacteria values are reported as estimated ("E") at the high end and due to the particular method used for analysis this usually means a dilution of the sample was used because the true bacteria count is higher than the method reporting maximum. The department will not use estimated ("E") values if the value reported is near the criterion. If the value is well above or well below the criterion then it will be used in assessments.

- Data Age

For assessing present conditions, more recent data are preferable; however, older data may be used to assess present conditions if the data remains representative of present conditions.

- If the department uses data older than seven years to make a Section 303(d) list decision a written justification for the use of such data will be provided.
- If a water body has not been listed previously and all data indicating an impairment is older than 7 years, then the water body shall be placed into Category 2B or 3B and prioritized for future sampling.
- A second consideration is the age of the data relative to significant events that may have an effect on water quality. Data collected prior to the initiation, closure, or significant change in a wastewater discharge, or prior to a large spill event or the reclamation of a mining or hazardous waste site, for example, may not be representative of present conditions. Such data would not be used to assess present conditions even if it was less than seven years old. Such “pre-event” data can be used to determine changes in water quality before and after the event or to show water quality trends.

- Data Type, Amount and Information Content

EPA recommends establishing a series of data codes, and rating data quality by the kind and amount of data present at a particular location ([EPA 1997<sup>15</sup>](#)). The codes are single-digit numbers from one to four, indicating the relative degree of assurance the user has in the value of a particular environmental data set. Data Code One indicates the least assurance or the least number of samples or analytes and Data Code Four the greatest. Based on EPA’s guidance, the department uses the following rules to assign code numbers to data.

- Data Code<sup>16</sup> One: All data not meeting the requirements of the other data codes.
- Data Code Two: Chemical data collected quarterly to bimonthly for at least three years, or intensive studies that monitor several nearby sites repeatedly over short periods of time, or at least three composite or plug fish tissue samples per water body, or at least five bacterial samples collected during the recreational season of one calendar year.

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<sup>15</sup> *Guidelines for the Preparation of the Comprehensive State Water Quality Assessments (305b) and Electronic Updates*, 1997. (<http://water.epa.gov/type/watersheds/monitoring/repguid.cfm>)

<sup>16</sup> Data Code One is equivalent to data water quality assurance Level One in 10 CSR 20-7.050 General Methodology for Development of Impaired Waters List, subsection (2)(C), Data Code Two is equivalent to Level 2, etc.

- Data Code Three: Chemical data collected at least monthly for more than three years on a variety of water quality constituents including heavy metals and pesticides; or a minimum of one quantitative biological monitoring study of at least one aquatic assemblage (fish, macroinvertebrates, or algae) at multiple sites, multiple seasons (spring and fall), or multiple samples at a single site when data from that site is supported by biological monitoring at an appropriate control site.
- Data Code Four: Chemical data collected at least monthly for more than three years that provides data on a variety of water quality constituents including heavy metals and pesticides, and including chemical sampling of sediments and fish tissue; or a minimum of one quantitative biological monitoring study of at least two aquatic assemblages (fish, macroinvertebrates, or algae) at multiple sites.

In Missouri, the primary purpose of Data Code One data is to provide a rapid and inexpensive method of screening large numbers of waters for obvious water quality problems and to determine where more intensive monitoring is needed. In the preparation of the state's Integrated Report, data from all four data quality levels are used. Most of the data is of Data Code One quality, and without Data Code One data, the department would not be able to assess a majority of the state's waters.

In general, when selecting water bodies for the Missouri 303(d) List, only Data Code Two or higher are used, unless the problem can be accurately characterized by Data Code One data.<sup>17</sup> The reason is that Data Code Two data provides a higher level of assurance that a Water Quality Standard is not actually being attained and that a TMDL study is necessary. All water bodies placed in Categories 2 or 3 receive high priority for additional monitoring so that data quality is upgraded to at least Data Code Two. Category 2B and 3B waters will be given higher priority than Categories 2A and 3A.

EPA suggests that states use these codes as a way of describing the type of information collected, the frequency of collection, spatial/temporal coverage, and quality. Missouri has followed this guidance for the most part, but where Missouri differs is that we use the data codes to explain the type of information collected, the frequency it is collected, and the spatial/temporal coverage. For data quality the department reviews the data on a project specific basis and looks at the laboratory analysis and collection methods used to generate the data. If the data is of acceptable quality we mark the project and all of its underlying data as QA acceptable. We should only be using QA acceptable data for assessments, unless that data provides additional corroboration of impairment or attainment status.

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<sup>17</sup> When a listing, amendment or delisting of a 303(d) water is made with only Data Code One data, a document will be prepared that includes a display of all data and a presentation of all statistical tests or other evaluative techniques that documents the scientific defensibility of the data. This requirement applies to all Data Code One data identified in Appendix B of this document.

- Dissolved Oxygen and Flow

Dissolved oxygen in streams is highly dependent on flow. For the assessment of streams dissolved oxygen measurements must be accompanied by a flow measurement taken on the same day as the dissolved oxygen measurement. The dissolved oxygen measurements must also be collected from the flowing portion of the stream and must not be influenced by flooding or backwater conditions.

- pH Data Considerations

The criterion for pH will be clarified at some point in the Missouri WQS as a chronic criterion. Assessment will be handled in the following ways:

- Continuous Sampling (i.e. time series or sonde data collection)
  - Data collected in a time series fashion will be looked at on a 4 day period. If an entire 4 day period is outside of the 6.5 – 9.0 criterion range that will count as a chronic toxicity event. More than one of these events will constitute an impairment listing of the stream.
- Grab Samples
  - Data collected as grab samples will be treated as is and the binomial probability calculation will be used for assessment. See Appendix D for further information.

## **D. How Water Quality Data is Evaluated to Determine Whether or Not Waters are Impaired for 303(d) Listing Purposes**

### **I. Physical, Chemical, Biological and Toxicity Data**

During each reporting cycle, the department and stakeholders review and revise the guidelines for determining water quality impairment. The guidelines shown in Appendix B & C provide the general rules of data use and assessment and Appendix D provides details about the specific analytical procedure used. In addition, if trend analysis indicates that presently unimpaired waters will become impaired prior to the next listing cycle, these “threatened waters” will be judged as impaired. Where antidegradation provisions in Missouri’s Water Quality Standards apply, those provisions shall be upheld. The numerical criteria included in Appendix B have been adopted into the state water quality standards, 10 CSR 20-7.031, and are used, as described in Appendix B to make use attainment decisions.

### **II. Weight of Evidence Approach**

When evaluating narrative criteria described in the state water quality standards, 10 CSR 20-7.031, the department will use a weight of evidence analysis for assessing numerical translators that have not been adopted into state water quality standards (see Appendix C). Under the weight of evidence approach, all available information is examined and the greatest weight is given to data providing the “best supporting evidence” for an attainment decision. Determination of “best supporting evidence” will be made using best professional judgment, considering factors such as data quality, and site-specific

environmental conditions. For those analytes with numeric thresholds, the threshold values given in Appendix C will trigger a weight of evidence analysis to determine the existence or likelihood of a use impairment and the appropriateness of proposing a 303(d) listing based on narrative criteria. This weight of evidence analysis will include the use of other types of environmental data when it is available or collection of additional data to make the most informed use attainment decision. Examples of other relevant environmental data might include physical or chemical data, biological data on fish [Fish Index of Biotic Integrity (fIBI)] or aquatic macroinvertebrate [Macroinvertebrate Stream Condition Index (MSCI)] scores, fish tissue, or toxicity testing of water or sediments.

Biological data will be given greater weight in a weight of evidence analysis for making attainment decisions for aquatic life use and subsequent Section 303(d) listings. Whether or not numeric translators of biological criteria are met is a strong indicator for the attainment of aquatic life use. Moreover, the department retains a high degree of confidence in an attainment decision based on biological data that is representative of water quality condition.

When the weight of evidence analysis suggests, but does not provide strong scientifically valid evidence of impairment, the department will place the water body in question in Categories 2B or 3B. The department will produce a document showing all relevant data and the rationale for the attainment decision. All such documents will be available to the public at the time of the first public notice of the proposed 303(d) list. A final recommendation on the listing of a water body based on narrative criteria will only be made after full consideration of all comments on the proposed list.

### III. Biological Data

Methods for assessing biological data typically receive considerable attention during the public comment period of development of the Listing Methodology Document. Currently, a defined set of biocriteria<sup>18</sup> are used to evaluate biological data for assessing compliance with water quality standards. These biological criteria contain numeric thresholds, that when exceeded relative to prescribed assessment methods, serve as a basis for identifying candidate waters for Section 303(d) listing. Biocriteria are based on three types of biological data, including: (1) aquatic macroinvertebrate community data; (2) fish community data; and, (3) a catch-all class referred to as “other biological data.”

In general, for interpretation of macroinvertebrate data where Stream Habitat Assessment Project Procedure (SHAPP) (MDNR 2016b) assessment scores indicate habitat is less than 75 percent of reference or appropriate control stream scores, and in the absence of other data indicating impairment by a discrete pollutant, a water body judged to be impaired will be placed in Category 4C. When interpreting fish community data, a

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<sup>18</sup> This refers to Missouri’s Water Quality Standards (10 CSR 20-7.031) Section 5 (Specific Criteria) (R) (Biocriteria). Although the Department uses the term “criteria” in association with biological metrics and indices throughout this document, numeric biological criteria have not been promulgated in the rule. This document uses the developed numerical biological metrics and indices as translators for the Biocriteria portion of 10 CSR 20-7.031(5)(R) [3/31/2018].

provisional multi-metric habitat index called the QCPH1 index is used to identify stream habitat in poor condition. The QCPH1 index separates adequate habitat from poor habitat using a 0.39 threshold value; whereby, QCPH1 scores  $< 0.39$  indicate stream habitat is of poor quality, and scores greater than 0.39 indicate available stream habitat is adequate. In the absence of other data indicating impairment by a discrete pollutant, impaired fish communities with poor habitat will be placed in Category 4C. Additional information about QCPH1 is provided in the *Considerations for the Influence of Habitat Quality and Sample Representativeness* section.

The sections below describe the methods used to evaluate the three types of biological data (macroinvertebrate community, fish community, and other biological data), along with background information on the development and scoring of biological criteria, procedures for assessing biological data, methods used to ensure sample representativeness, and additional information used to aid in assessing biological data such as the weight of evidence approach.

#### *Aquatic Macroinvertebrate Community Data*

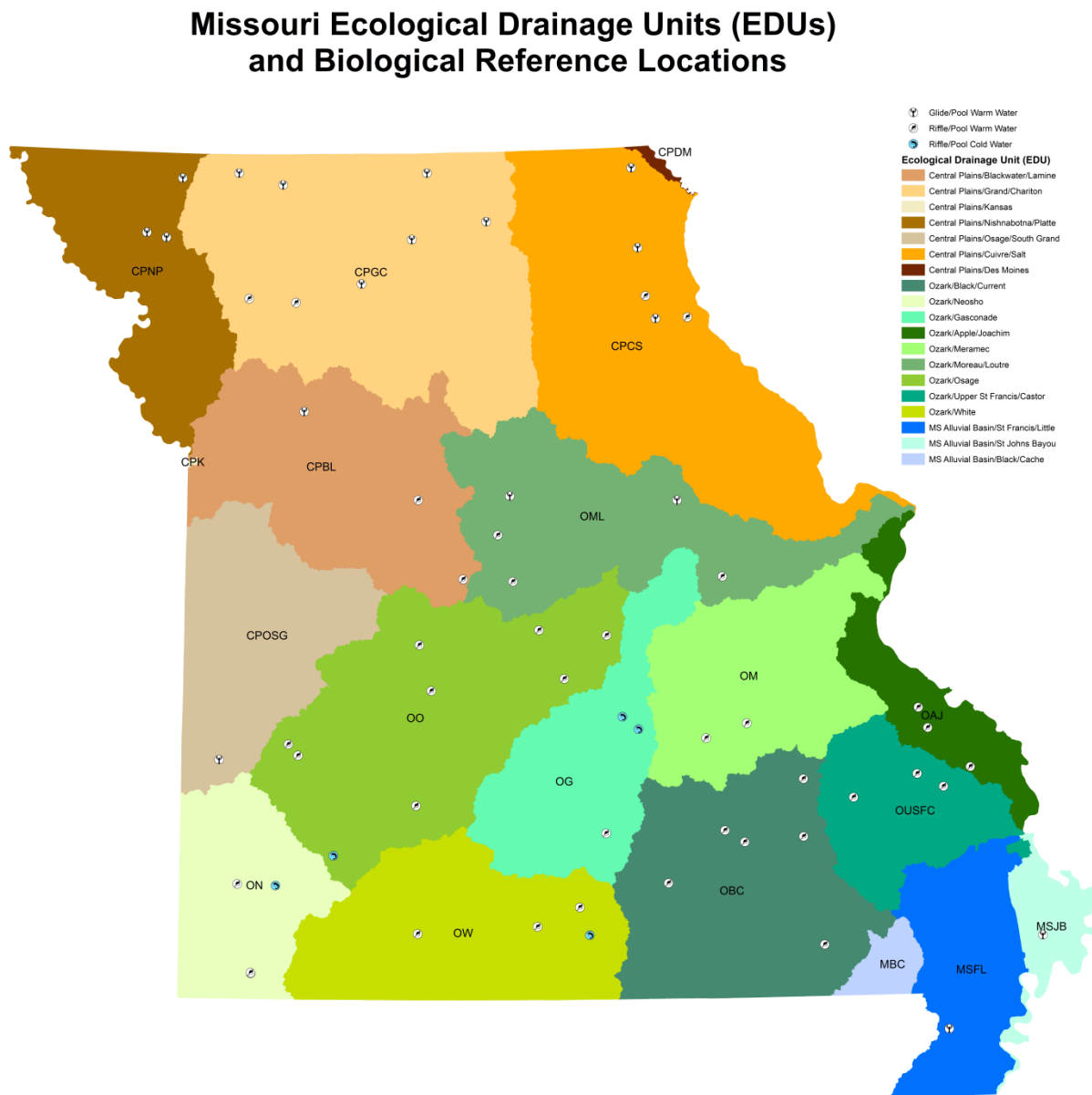
The department conducts aquatic macroinvertebrate assessments to determine macroinvertebrate community health as a function of water quality and habitat. The health of a macroinvertebrate community is directly related to water quality and habitat. Almost all macroinvertebrate evaluation consists of comparing the health of the community of the “target” to healthy macroinvertebrate communities from reference streams of the same general size and usually in the same Ecological Drainage Unit (EDU).

The department’s approach to monitoring and evaluating aquatic macroinvertebrates is largely based on *Biological Criteria for Wadeable/Perennial Streams of Missouri* (MDNR 2002). This document provides the framework for numerical biological criteria (biocriteria) relevant to the protection of aquatic life use for wadeable streams in the state. Biocriteria were developed using wadeable reference streams that occur in specific EDUs as mapped by the Missouri Resource Assessment Partnership (reference Figure 1 below). For macroinvertebrates, the numerical biocriterion translator is expressed as a multiple metric index referred to as the MSCI. The MSCI includes four metrics: Taxa Richness (TR); Ephemeroptera, Plecoptera, and Trichoptera Taxa (EPTT); Biotic Index (BI); and the Shannon Diversity Index (SDI). These metrics are considered indicators of stream health, and change predictably in response to the environmental condition of a stream.

Metric values are determined directly from macroinvertebrate sampling. To calculate the MSCI, each metric is normalized to unitless values of 5, 3, or 1, which are then added together for a total possible score of 20. MSCI scores are divided into three levels of stream condition:

- Fully Biologically Supporting (16-20),
- Partially Biologically Supporting (10-14), and
- Non-Biologically Supporting (4-8).

Partially and Non-Biologically Supporting streams may be considered impaired and are candidates for Section 303(d) listing.



**Figure 1: Missouri Ecological Drainage Units (EDUs) and Biological Reference Locations**

Unitless metric values (5, 3, or 1) were developed from the lower quartile of the distribution of each metric as calculated from reference streams for each EDU. The lower quartile (25<sup>th</sup> percentile) of each metric equates to the minimum value still representative of unimpaired conditions. In operational assessments, metric values below the lower quartile of reference conditions are typically judged as impaired (United States Environmental Protection Agency 1996, Ohio Environmental Protection Agency 1990, Barbour *et al.* 1996). Moreover, using the 25<sup>th</sup> percentile of reference conditions for each metric as a standard for impairment allows natural variability to be filtered out. For metrics with values that decrease with increasing impairment (TR, EPTT, SDI), any value above the lower quartile of the reference distribution receives a score of five. For the BI, whose value increases with increasing impairment, any value below the upper quartile (75<sup>th</sup> percentile) of the reference distribution receives a score of five. The remainder of each metric's potential quartile range below the lower quartile is bisected, and scored either a three or a one. If the metric value is less than or equal to the quartile value and greater than the bisection value it is scored a three. If the metric value is less than or equal to the bisection value it is scored a one.

MSCI scores meeting data quality considerations may be assessed for the protection of aquatic life using the following procedures.

**Determining Full Attainment of Aquatic Life Use:**

- For seven or fewer samples, 75% of the MSCI scores must be 16 or greater. Fauna achieving these scores are considered to be very similar to biocriteria reference streams.
- For eight or more samples, results must be statistically similar to representative reference or control streams.

**Determining Non-Attainment of Aquatic Life Use:**

- For seven or fewer samples, 75% of the MSCI scores must be 14 or lower. Fauna achieving these scores are considered to be substantially different from biocriteria reference streams.
- For eight or more samples, results must be statistically dissimilar to representative reference or control streams.

**Data will be judged inconclusive when outcomes do not meet requirements for decisions of full or non-attainment.**

As noted, when eight or more samples are available, results must be statistically similar or dissimilar to reference or control conditions in order to make an attainment decision. To accomplish this, a binomial probability with an appropriate level of significance ( $\alpha$ =alpha), is calculated based on the null hypothesis that the test stream would have a similar percentage of MSCI scores that are 16 or greater as reference streams. The significance level is set at  $\alpha=0.1$ , meaning if the p-value of the hypothesis test is less than  $\alpha$ , the hypothesis is considered statistically significant. The significance level of  $\alpha$  is in fact the probability of making a wrong

decision and committing a Type I error (rejecting a true null hypothesis). When the Type I error rate is less than  $\alpha=0.1$ , the null hypothesis is rejected. Inversely, when the Type I error rate is greater than  $\alpha=0.1$ , the null hypothesis is accepted. For comparing samples from a test stream to samples collected from reference streams in the same EDU, the percentage of samples from reference streams scoring 16 or greater is used to determine the probability of “success” and “failure” in the binomial probability equation. For example, if 84% of the reference stream MSCI scores in a particular EDU are 16 or greater, then 0.84 would be used as the probability of success and 0.16 would be used as the probability of failure. Note that Appendix D states to “rate a stream as impaired if biological criteria reference stream frequency of fully biologically supporting scores is greater than five percent more than the test stream,” thus, a value of 0.79 (0.84 - 0.05) would actually be used as the probability of success in the binomial distribution equation.

***Binomial Probability Example:***

Reference streams from the Ozark/Gasconade EDU classified as riffle/pool stream types with warm water temperature regimes produce fully biologically supporting streams 85.7% of the time. In the test stream of interest, six out of ten samples resulted in MSCI scores of 16 or more. Calculate the Type I error rate for the probability of getting six or fewer fully biologically supporting scores in ten samples.

The binomial probability formula may be summarized as:

$$p^n + (n! / X!(n-X)! * p^X q^{n-X}) = 1$$

Where,

Sample Size (n) = 10

Number of Successes (X) = 6

Probability of Success (p) = 0.857 - 0.05 = 0.807

Probability of Failure (q) = 0.193

Excel has the BINOM.DIST function that will perform this calculation.

=BINOM.DIST(number\_s, trials, probability\_s, cumulative)

=BINOM.DIST(6,10,0.807,TRUE)

Using Excel's Binomial Function	
Probability of Success	0.807
Sample Size	10
# of Successes	6
Type 1 Error Rate	0.109

Since 0.109 is greater than the test significance level (minimum allowable Type I error rate) of  $\alpha = 0.1$ , we accept the null hypothesis that the test stream has the same percent of fully biologically supporting scores as the same type of reference streams from the Ozark/Gasconade EDU. Thus, this test stream would be judged as unimpaired.

If under the same scenario, there were only 5 samples from the test stream with MSCI scores of 16 or greater, the Type I error rate would change to 0.028, and since this value is less than the significance level of  $\alpha = 0.1$ , the stream would be judged as impaired.

Within each EDU, MSCI scores are categorized by sampling regime (Glide/Pool vs. Riffle/Pool) and temperature regime (warm water vs. cold water). The percentage of fully biologically supporting scores for the Mississippi River Alluvial Basin/Black/Cache EDU is not available due to the lack of reference sites in this region. Percentages of fully biologically supporting samples per EDU is not included here, but can be made available upon request. The percentage of reference streams per EDU that are fully biologically supporting may change periodically as additional macroinvertebrate samples are collected and processed from reference samples within an EDU.

### ***Sample Representativeness***

The department's field and laboratory methods used to collect and process macroinvertebrate samples are contained in the document *Semi-Quantitative Macroinvertebrate Stream Bioassessment* (MDNR 2015). Macroinvertebrates are identified to levels following standard operating procedures contained in *Taxonomic Levels for Macroinvertebrate Identifications* (MDNR 2016b). Macroinvertebrate monitoring is accompanied by physical habitat evaluations as described in the document *Stream Habitat Assessment* (MDNR 2016a). For the assessment of macroinvertebrate samples, available information must meet data code levels three and four as described in Section II.C of this LMD. Data coded as levels three and four represent environmental data providing the greatest degree of assurance. Thus, at a minimum, macroinvertebrate assessments include multiple samples from a single site, or samples from multiple sites within a single reach.

It is important to avoid situations where poor or inadequate habitat prohibits macroinvertebrate communities from being assessed as fully biologically supporting. Therefore, when assessing macroinvertebrate samples, the quality of available habitat must be similar to that of reference streams within the appropriate EDU. The department's policy for addressing this concern has been to exclude MSCI scores from an assessment when accompanying habitat scores are less than 75 percent of the mean habitat scores from reference streams of the appropriate EDU. The following procedures outline the department's method for assessing macroinvertebrate communities from sites with poor or inadequate habitat.

### ***Assessing Macroinvertebrate Communities from Poor/Inadequate Habitat:***

- If less than half the macroinvertebrate samples in an assessed stream segment have habitat scores less than 75 percent of the mean score for reference streams in that EDU, any sample that scores less than 16 and has a habitat score less than 75 percent of the mean reference stream score for that EDU, is excluded from the assessment process.
- If at least half the macroinvertebrate samples in an assessed stream segment have habitat scores less than 75 percent of the mean score for reference streams in that EDU and the assessment results in a judgment that the macroinvertebrate community is impaired, the assessed segment will be placed in Category 4C impairment due to poor aquatic habitat.
- If one portion of the assessment reach contains two or more samples with habitat scores less than 75 percent of reference streams from that EDU while the remaining portion does not, the portion of the stream with poor habitat scores could be separately assessed as a category 4C stream permitting low MSCI scores.

Macroinvertebrate sampling methods vary by stream type. One method is used in riffle/pool predominant streams, and the other method is for glide/pool predominant streams. For each stream type, macroinvertebrate sampling targets three habitats.

- For riffle/pool streams, the three habitats sampled are flowing water over coarse substrate, non-flowing water over depositional substrate, and rootmat substrate.
- For glide/pool streams, the three habitats sampled are non-flowing water over depositional substrate, large woody debris substrate, and rootmat substrate.

In some instances, one or more of the habitats sampled can be limited or missing from a stream reach, which may affect an MSCI score. Macroinvertebrate samples based on only two habitats may have an MSCI score equal to or greater than 16, but it is also possible that a missing habitat may lead to a decreased MSCI score. Although MDNR stream habitat assessment procedures take into account a number of physical habitat parameters from the sample reach (for example, riparian vegetation width, channel alteration, bank stability, bank vegetation protection, etc.), they do not exclusively measure the quality or quantity of the three predominant habitats from each stream. When evaluating potentially impaired macroinvertebrate communities, the number of habitats sampled, in addition to the stream habitat assessment score, will be considered to ensure MSCI scores less than 16 are properly attributed to poor water quality or poor/inadequate habitat condition.

Biologists responsible for conducting biological assessments will determine the extent to which habitat availability is responsible for a non-supporting (<16) MSCI score. If it is apparent that a non-supporting MSCI score was due to limited habitat, these effects will be stated in the biological assessment report. This limitation will then be considered when deciding which Listing Methodology category is most appropriate for an individual stream. This procedure, as part of an MDNR biological assessment, will aid in determining whether

impaired macroinvertebrate samples have MSCI scores based on poor water quality conditions versus habitat limitations.

To ensure assessments are based on representative macroinvertebrate samples, samples collected during or shortly after prolonged drought, shortly after major flood events, or any other conditions that fall outside the range of environmental conditions under which reference streams in the EDU were sampled, will not be used to make an attainment decision for a Section 303(d) listing or any other water quality assessment purposes. Sample “representativeness” is judged by Water Protection Program (WPP) staff after reading the biomonitoring report for that stream, and if needed, consultation with biologists from the department’s Environmental Services Program. Regarding smaller deviations from “normal” conditions, roughly 20 percent of reference samples failing to meet a fully biologically supporting MSCI score were collected following weather/climate extremes; as a result, biological criteria for a given EDU are inclusive of samples collected during not only ideal macroinvertebrate-rearing conditions, but also during the weather extremes that Missouri experiences.

### *Assessing Small Streams*

Occasionally, macroinvertebrate monitoring is needed to assess streams smaller than the typical Wadeable/Perennial reference streams listed in Table I of Missouri’s Water Quality Standards. Smaller streams may include Class C streams (streams that may cease flow in dry periods but maintain permanent pools which support aquatic life) or those that are unclassified. Assessing small streams involves comparing test stream and candidate reference stream MSCI scores first, to Wadeable/Perennial Reference Stream (WPRS) criteria, and second to each other.

In MDNR’s Biological Criteria Database, there are 16 candidate reference streams labeled as Class P, 23 labeled as Class C, and 24 labeled as Class U. In previous work by MDNR, when the MSCI was calculated according to WPRS criteria, the failure rate for such candidate reference streams was 31% for Class P, 39% for Class C, and 70% for Class U. The data trend showed a higher failure rate for increasingly smaller high quality streams when scored using WPRS biological criteria. This trend demonstrates the need to include the utilization of candidate reference streams in biological stream assessments.

Prior to the 2014 revision of the Missouri Water Quality Standards there was no size classification for streams. The 2014 revision codified size classification for rivers and streams based on five size categories for Warm Water, Cool Water and Cold Water Habitats. The size classifications are defined as Headwater, Creek, Small River, Large River and Great River. Water permanence continues to be classified as Class P (streams that maintain permanent flow even in drought periods); Class C (streams that cease flow in dry periods but maintain permanent pools which support aquatic life); and the newly adopted Class E (streams that do not maintain permanent surface flow or pools, but have surface flow or pools in response to precipitation events).

Table I of Missouri's Water Quality Standards lists 62 Wadeable/perennial reference streams that provide the current basis for numeric biological criteria. Wadeable/perennial reference streams are a composite of Creek and Small River size classes. Interpretation of Creek (Size Code 2) and Small River (Size Code 3) is based on the Missouri Resource Assessment Partnership Shreve Link number found in Table 2. These Wadeable/perennial reference streams were selected previous to the 2014 revision of the Missouri Water Quality Standards and were based on the former Table H (Stream Classifications and Use Designations). All, or a portion, of seven Wadeable/perennial reference streams are Class C; and all, or a portion, of 57 Wadeable/perennial reference streams are Class P.

As part of the 2014 revision of the Missouri Water Quality Standards, classified streams were changed from Table H to a modified version of the 1:100,000 National Hydrography Dataset. This dataset provides a geospatial framework for classified streams and is referred to as the Missouri Use Designation Dataset (MUDD). The streams and rivers now listed in MUDD contain approximately 100,000 miles of newly classified streams, many of which are the Headwater size class. Interpretation of Headwater size (Size Code 1) is based on the Missouri Resource Assessment Partnership Shreve Link number found in Table 2

**Table 2.**  
**Missouri Resource Assessment Partnership Shreve Link Number for Stream Size Code**

Stream Size	Size Code	Plains Shreve Link Number	Ozark Shreve Link Number
Headwater	1	1-2	1-4
Creek	2	3-30	5-50
Small River	3	31-700	51-450
Large River	4	701-maximum	451- maximum
Great River	5	Missouri & Mississippi	Missouri & Mississippi
Unknown	0		

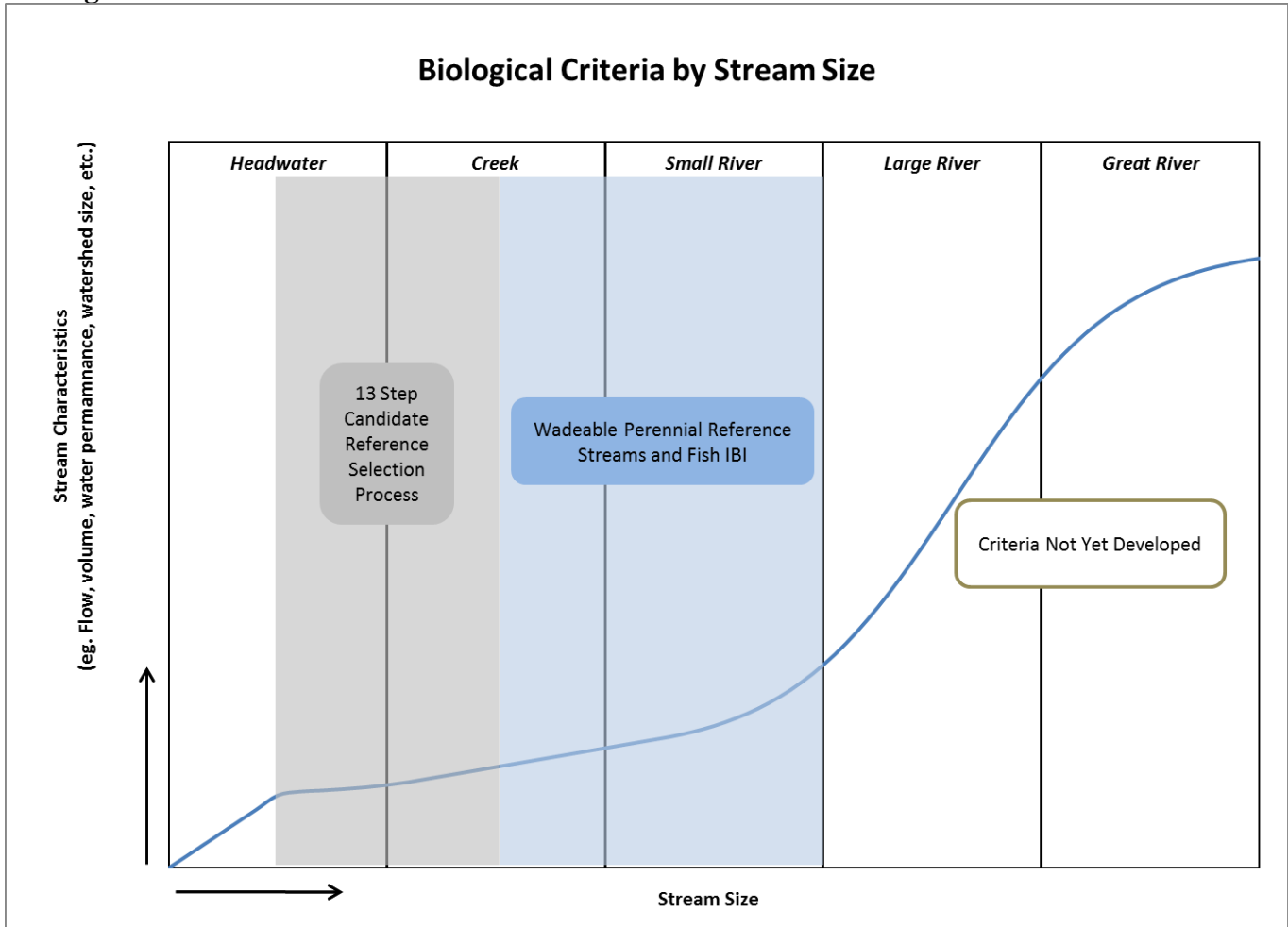
In natural channels, biological assessments will be based on criteria established from comparable stream size and permanence. The need for alternate criteria is supported by the higher failure rate (70%) for small size streams when scored using Wadeable/perennial reference stream biological criteria (MDNR, unpublished data). The 2014 revision of Missouri's Water Quality Standards codified size classification for rivers and streams based on five size categories for Warm Water, Cool Water and Cold Water Habitats. The size classifications are defined as Headwater, Creek, Small River, Large River and Great River.

Biological criteria have not been established for the size categories of Great River, Large River, or Headwater. Current WPRS criteria and the MDC FBI metrics apply to Creek and Small River size categories. MDC FBI metrics apply only in the Ozarks ecoregion.

Since headwater stream biological criteria have not been established, the utilization of candidate headwater reference streams and draft criteria will be necessary to perform

biological stream assessments of headwater size streams until scientifically defensible criteria have been developed.

**Figure 2.**



For test streams that are smaller than wadeable perennial reference streams, MDNR samples five candidate reference streams of same or similar size and Valley Segment Type (VST) in the same EDU twice during the same year the test stream is sampled (additional information about the selection small control streams is provided below). Although in most cases the MDNR samples small candidate reference streams concurrently with test streams, existing data may be used if a robust candidate reference stream data set exists for the EDU.

If the ten small candidate reference stream scores are similar to wadeable perennial reference stream criteria, then they and the test stream are considered to have a Class C or

Class P general warm water beneficial use, and the MSCI scoring system in the LMD should be used. If the small candidate reference streams have scores lower than the wadeable perennial reference streams, the assumption is that the small candidate reference streams, and the test stream, represent designated uses related to stream size that are not yet approved by EPA in the state's water quality standards. The current assessment method for test streams that are smaller than reference streams is stated below.

- If 75% of the ten candidate reference stream scores are 16 or greater when compared to WPRS criteria, then the test stream will be assessed using MSCI based procedures in the LMD.
- If 75% of the ten candidate reference stream scores are below 16 when compared to WPRS criteria then:
  - a) The test stream will be judged “unimpaired” if test stream scores meet criteria developed from the candidate reference stream scores. If 75% of the test stream scores are 16 or greater when compared to criteria developed from the candidate reference streams, the stream will be judged “unimpaired”.
  - b) The test stream will be assessed as having an “impaired” macroinvertebrate community if test stream scores do not meet criteria developed from the candidate reference stream scores. If 75% of the test stream scores are below 16 when compared to criteria developed from the candidate reference streams, the stream will be judged “impaired”.
  - c) The test stream will be judged “inconclusive” if the requirements in a) and b) are not met.

All work will be documented on the macroinvertebrate assessment worksheet and be made available during the public notice period.

### ***Selecting Small Candidate Reference Streams***

Accurately assessing streams that are smaller than reference streams begins with properly selecting small candidate reference streams. Candidate reference streams are smaller than WPRS streams and have been identified as “best available” reference stream segments in the same EDU as the test stream according to watershed, riparian, and in-channel conditions. The selection of candidate reference streams is consistent with framework provided by Hughes *et al.* (1986) with added requirements that candidate reference streams must be from the same EDU and have the same or similar values for VST parameters. If candidate reference streams perform well when compared to WPRS, then test streams of similar size and VST are expected to do so as well. VST parameters important for selection are based on temperature, stream size, flow, geology, and relative gradient, with emphasis placed on the first three parameters.

The stepwise process for candidate reference stream selection is listed below. Documentation of the steps in this process will be available upon request and will include but are not limited to: GIS layers used, segment IDs eliminated at the various steps, candidate stream list for field verification, etc.

1. Determine test stream reaches to be assessed. *Missouri Department of Natural Resources staff in the Water Protection Program's Monitoring and Assessment Unit will use data that indicates potential impairment to determine where additional studies are needed. Department staff with the Environmental Services Program's Aquatic Bioassessment Unit will be used to conduct studies requested by the WPP.*
2. Identify appropriate EDU. *The Ecological Drainage Unit in which the test stream is located will be identified so that applicable biological criteria can be used to score macroinvertebrate data collected by Department biologists.*
3. Determine five variable VST of test stream segments (1st digit = temperature; 2nd digit = size; 3rd digit = flow; 4th digit = geology; and 5th digit = relative gradient). *This five-digit VST code provides a description of the test stream for later use in selecting appropriate candidate reference streams that are similar to the test stream (giving temperature, size, and flow the highest importance).*
4. Filter all stream segments within the same EDU for the relevant five variable VSTs (1st and 2nd digits especially critical for small streams). *The five VST features of the test stream will be determined by checking the "AQUATIC.STRM\_SEGMENTS" layer in GIS software (e.g. ArcMap). This layer has an associated Attribute Table that has, among many other features, the five-digit VST code for classified Missouri streams. During the filtering process, the five-digit code (listed as "VST\_5VAR" in the Attribute Table) of the test stream is chosen in an ArcMap tool called "Select by Attributes." The five-digit code of the test stream is entered into this ArcMap tool, which can then be used to list only streams with the same five VST variables while excluding (i.e. "filtering out") all other streams with different variables.*
5. Filter all potential VST stream segments for stressors against available GIS layers (e.g. point sources, landfills, CAFOs, lakes, reservoirs, mining, etc.). *A GIS layer that includes the stream segments selected in Step 4 will be created. The proximity of these selected stream layers will be evaluated relative to stressor layers cataloged in GIS using filtering steps similar to those described above. Stream segments with stressors having documented impacts will be eliminated from further consideration. The presence of a single potential stressor will not automatically lead to a stream reach being rejected; rather, the aggregate of potential stressors in a watershed will be evaluated.*
6. Filter all potential VST stream segments against historical reports and databases. *Past accounts of occurrences that may result in a stream failing to meet the "best available, least impaired" criteria will be evaluated. These incidents may include events such as*

*fish kills, combined sewer overflows, or past environmental emergencies (e.g. releases of toxic substances). Exceptions can be made when the cause of the incident no longer exists and there are no lingering effects. In contrast, historical reports may also include studies by other biologists that support the use of a stream segment as a candidate reference stream.*

7. Calculate land use categories of candidate reference streams (e.g. percentage of forest, grassland, impervious surface, etc.) in GIS mapping software using available land cover datasets (Sources of land use data that are currently used are NLCD 2011 and MoRAP 2005<sup>19</sup>). Candidate reference streams with the same or similar AES type as the test stream (within the EDU) will be given preference throughout the selection process. In addition, candidate reference streams should also be chosen from candidate reference stream watersheds whose land use composition is representative of test stream's AES, and generally representative of EDU land uses. Candidate reference stream watersheds will be excluded if impervious area covers greater than 10% of the watershed area (*Center for Watershed Protection, 2003*).

8. Develop candidate stream list with coordinates for field verification.

9. Field verify candidate list for actual use (e.g. animal grazing, in-stream habitat, riparian habitat), migration barriers (e.g. culverts, low water bridge crossings) representativeness, (gravel mining, and other obvious human stressors). *Biologists can make additional fine-scale adjustments to the list of candidate streams by visiting sites in person. Certain features visible on-site may have been missed with GIS and other computer based filtering. Stream flow must be field verified to be similar to test streams.*

10. *Of the sites remaining after field verification and elimination, at least five of the top ranked candidate sites will be subjected to additional evaluation outlined below.*

*For steps 4-9: These steps occur at the EDU level identified in step 2. These steps look at all streams within the identified EDU including those in the same Aquatic Ecological System (AES) Type as the test stream. Streams in the same AES Type as the test stream (within the identified EDU) will be given preference and be selected to go through the remaining steps (10-13) below.*

11. Collect chemical, biological, habitat, and possibly sediment field data. *Collection of physical samples is the ultimate manner in which the quality of a stream is judged. Although factors evaluated in the previous steps are good indicators of whether a stream is of reference quality, it is the evaluation of chemical, physical and biological attributes in relation to other candidate reference streams that is the final determinant. If chemical*

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<sup>19</sup> Missouri Resource Assessment Partnership 2005 Landcover project. <https://morap.missouri.edu/index.php/land-cover/>

*sampling documents an exceedance of water quality standards, the candidate reference stream will be eliminated from consideration.*

12. After multiple sampling events evaluate recent field data against available historical chemical, physical, biological, and land use data from each corresponding candidate reference stream. *Aquatic systems are subject to fluctuation due to weather, stream flow, and other climatic conditions. Land use in the watershed of a candidate reference also can change over time. It is therefore important to compare recent data to available historical data to evaluate if watershed conditions have changed over time. If this evaluation indicates that the candidate reference stream conditions are similar to or have improved relative to historical conditions, they will be retained. If historical data are not available to make the comparisons, the candidate reference streams will be retained.*

13. If field data are satisfactory, retain candidate reference stream label in database. *Reference streams and candidate reference streams are labeled as such in a database maintained by the Department's Aquatic Bioassessment Unit in Jefferson City, Missouri*

#### *Fish Community Data*

The department utilizes fish community data to determine if aquatic life use is supported in certain types of Missouri streams. When properly evaluated, fish communities serve as important indicators of stream health. In Missouri, fish communities are surveyed by the MDC. MDC selects an aquatic subregion to sample each year, and therein, surveys randomly selected streams of 2<sup>nd</sup> to 5<sup>th</sup> order in size. Fish sampling follows procedures described in the document *Resource Assessment and Monitoring Program: Standard Operational Procedures--Fish Sampling* (Combes 2011). Numeric biocriteria for fish are represented by the fish Index of Biotic Integrity (fIBI). Development of the fIBI is described in the document *Biological Criteria for Stream Fish Communities of Missouri* (Doisy *et al.* 2008).

The fIBI is a multi-metric index made up of nine individual metrics, which include:

- number (#) of native individuals;
- # of native darter species;
- # of native benthic species;
- # of native water column species;
- # of native minnow species;
- # of all native lithophilic species;
- percentage (%) of native insectivore cyprinid individuals;
- % of native sunfish individuals; and,
- % of the three top dominant species.

Values for each metric, as directly calculated from the fish community sample, are converted to unitless scores of 1, 3, or 5 according to criteria in Doisy *et al.* (2008). The fIBI is then calculated by adding these unitless values together for a total possible score of 45. Doisy *et al.* (2008) established an impairment threshold of 36 (where the 25<sup>th</sup> percentile of reference sites represented a score of 37), with values equal to or greater than 36 representing unimpaired communities, and values less than 36 representing impaired communities. For more information regarding fIBI scoring, please see Doisy *et al.* (2008).

Based on consultation between the department and MDC, the fIBI impairment threshold value of 36 was used as the numeric biocriterion translator for making an attainment decision for aquatic life (Appendix C). Work by Doisy *et al.* (2008) focused on streams 3<sup>rd</sup> to 5<sup>th</sup> order in size, and the fIBI was only validated for streams in the Ozark ecoregion, not for streams in the Central Plains and Mississippi Alluvial Basin. Therefore, when assessing streams with the fIBI, the index may only be applied to streams 3<sup>rd</sup> to 5<sup>th</sup> order in size from the Ozark ecoregion. Assessment procedures are outlined below.

### **Full Attainment**

- For seven or fewer samples and following MDC RAM fish community protocols, 75% of fIBI scores must be 36 or greater. Fauna achieving these scores are considered to be very similar to Ozark reference streams.
- For eight or more samples, the percent of samples scoring 36 or greater must be statistically similar to representative reference or control streams. To determine statistical similarity, a binomial probability Type I error rate (0.1) is calculated based on the null hypothesis that the test stream would have the same percentage (75%) of fIBI scores greater than 36 as reference streams. If the Type I error rate is more than the significance level  $\alpha=0.1$ , the fish community would be rated as unimpaired.

### **Non-Attainment**

- For seven or fewer samples and following MDC RAM fish community protocols, 75% of the fIBI scores must be lower than 36. Fauna achieving these scores are considered to be substantially different than regional reference streams.
- For eight or more samples, the percent of samples scoring 36 or less must be statistically dissimilar to representative reference or control streams. To determine statistical dissimilarity, a binomial probability Type I error rate is calculated based on the null hypothesis that the test stream would have the same percentage (75%) of fIBI scores greater than 36 as reference streams. If the Type I error rate is less than 0.1, the null hypothesis is rejected and the fish community would be rated as impaired.

### **Data will be judged inconclusive when outcomes do not meet requirements for decisions of full or non-attainment.**

With the exception of two subtle differences, use of the binomial probability for fish community samples will follow the example provided for macroinvertebrate samples in the previous section. First, instead of test stream samples being compared to reference streams of the same EDU, they will be compared to reference streams from the Ozark ecoregion. Secondly, the probability of success used in the binomial distribution equation will always be set to 0.70 since Appendix D states to “rate a stream as impaired if biological criteria reference stream frequency of fully biologically supporting scores is greater than five percent more than the test stream.”

Although 1<sup>st</sup> and 2<sup>nd</sup> order stream data will not be used to judge a stream as impaired for Section 303(d) purposes, the department may use the above assessment procedures to judge 1<sup>st</sup> and 2<sup>nd</sup> order streams as unimpaired. Moreover, should samples contain fIBI scores less than 29, the department may judge the stream as “suspected of impairment” using the above procedures.

***Considerations for the Influence of Habitat Quality and Sample Representativeness***

Low fIBI scores that are substantially different than reference streams could be the result of water quality problems, habitat problems, or both. When low fIBI scores are established, it is necessary to review additional information to differentiate between an impairment caused by water quality and one that is caused by habitat. The collection of a fish community sample is also accompanied by a survey of physical habitat from the sampled reach. MDC sampling protocol for stream habitat follows procedures provided by Peck *et al.* (2006). With MDC guidance, the department utilizes this habitat data and other available information to assure that an assessment of aquatic life attainment based on fish data is only the result of water quality, and that an impairment resulting from habitat is categorized as such. This section describes the procedures used to assure low fIBI scores are the result of water quality problems and not habitat degradation. The information below outlines the department's provisional method to identify unrepresentative samples and low fIBI scores with questionable habitat condition, and ensure corresponding fish IBI scores are not used for Section 303(d) listing.

- a) Following recommendations from the biocriteria workgroup, the department will consult MDC about the habitat condition of particular streams when assessing low fIBI scores.
- b) Samples may be considered for Section 303(d) listing ONLY if they were collected in the Ozark ecoregion, and the samples were collected during normal representative conditions, based upon best professional judgment from MDC staff,. Samples collected from the Central Plains and Mississippi Alluvial Basin are excluded from Section 303(d) listing.
- c) Only samples from streams 3rd to 5th order in size may be considered for Section 303(d) listing. Samples from 1st or 2nd order stream sizes are excluded from Section 303(d) consideration; however, they may be placed into Categories 2B and 3B if impairment is suspected, or into Categories 1, 2A, or 3A if sample scores indicate a stream is unimpaired. Samples from lower stream orders are surveyed under a different RAM Program protocol than 3rd to 5th order streams.
- d) Samples that are ineligible for Section 303(d) listing include those collected from losing streams, as defined by the Department of Geology and Land Survey, or collected in close proximity to losing streams. Additionally, ineligible samples may include those collected on streams that were considered to have natural flow issues (such as streams reduced predominately to subsurface flow) preventing good fish IBI scores from being obtained, as determined through best professional judgment of MDC staff.
- e) Fish IBI scores must be accompanied by habitat samples with a QCPH1 habitat index score. MDC was asked to analyze meaningful habitat metrics

and identify samples where habitat metrics seemed to indicate potential habitat concerns. As a result, a provisional index named QCPH1 was developed. QCPH1 values less than 0.39 indicate poor habitat, and values greater than 0.39 suggest adequate habitat is available. The QCPH1 comprises six sub-metrics indicative of substrate quality, channel disturbance, channel volume, channel spatial complexity, fish cover, and tractive force and velocity.

The QCPH1 index is calculated as follows:

$$\text{QCPH1} = ((\text{Substrate Quality} * \text{Channel Disturbance} * \text{Channel Volume} * \text{Channel Spatial Complexity} * \text{Fish Cover} * \text{Tractive Force \& Velocity})^{1/6})$$

Where sub-metrics are determined by:

**Substrate Quality** = [(embeddedness + small particles)/2] \* [(filamentous algae + aquatic macrophyte)/2] \* bedrock and hardpan

**Channel Disturbance** = concrete \* riprap \* inlet/outlet pipes \* relative bed stability \* residual pool observed to expected ratio

**Channel Volume** = [(dry substrate+width depth product + residual pool + wetted width)/4]

**Channel Spatial Complexity** = (coefficient of variation of mean depth + coefficient of variation of mean wetted width + fish cover variety)/3

**Fish Cover** = [(all natural fish cover + ((brush and overhanging vegetation + boulders + undercut bank + large woody debris)/4) + large types of fish cover)/3]

**Tractive Force & Velocity** = [(mean slope + depth \* slope)/2]

Unimpaired fish IBI samples (fIBI  $\geq 36$ ) with QCPH1 index scores below the 0.39 threshold value, or samples without a QCPH1 score altogether, are eliminated from consideration for Category 5 and instead placed into Categories 2B or 3B should an impairment be suspected. Impaired fish communities (fIBI  $< 36$ ) with QCPH1 scores  $< 0.39$  can be placed into Category 4C (non-discrete pollutant/habitat impairment). Impaired fish communities (fIBI  $< 36$ ) with adequate habitat scores (QCPH1  $> 0.39$ ) can be placed into Category 5. Appropriate streams with unimpaired fish communities and adequate habitat (QCPH1  $> 0.39$ ) may be used to judge a stream as unimpaired.

Similar to macroinvertebrates, assessment of fish community information must be based on data coded level three or four as described in Section II.C of this document. Data coded as

levels three and four represent environmental data with the greatest degree of assurance, and thus, assessments will include multiple samples from a single site, or samples from multiple sites within a single reach.

Following the department's provisional methodology, fish community samples available for assessment (using procedures in Appendix C & D include only those from 3rd to 5th order Ozark Plateau streams, collected under normal, representative conditions, where habitat seemed to be good, and where there were no issues with inadequate flow or water volume.

#### IV. Other Biological Data

On a case by case basis, the department may use biological data other than MSCI or FIBI scores for assessing attainment of aquatic life. Other biological data may include information on single indicator aquatic species that are ecologically or recreationally important, or individual measures of community health that respond predictably to environmental stress. Measures of community health could be represented by aspects of structure, composition, individual health, and processes of the aquatic biota. Examples could include measures of density or diversity of aquatic organisms, replacement of pollution intolerant taxa, or even the presence of biochemical markers.

##### Acute or Chronic Toxicity Tests

If toxicity tests are to be used as part of the weight of evidence then accompanying media (water or sediment) analysis must accompany the toxicity test results. (e.g. Metals concentrations in the sediment sample used for an acute toxicity test must accompany the toxicity test results if metals are a concern; or if PAHs are a concern then TOC must accompany toxicity test results). The organism, its developmental stage used for the toxicity test, and the duration of the test must also accompany the results.

Other biological data should be collected under a well vetted study that is documented in a scientific report, a weight of evidence approach should be established, and the report should be referenced in the 303(d) listing worksheet. If other biological data is a critical component of the community and has been adversely affected by the presence of a pollutant or stressor, then such data would indicate a water body is impaired. The department's use of other biological data is consistent with EPA's policy on independent applicability for making attainment decisions, which is intended to protect against dismissing valuable information when diagnosing an impairment of aquatic life.

The use of other biological data in water body assessments occurs infrequently, but when available, it is usually assessed in combination with other information collected within the water body of interest. The department will avoid using other biological data as the sole justification for a Section 303(d) listing; however, other biological data will be used as part of a weight of evidence analysis for making the most informed assessment decision.

## V. Toxic Chemicals

### **Water**

For the interpretation of toxicity test data, standard acute or chronic bioassay procedures using freshwater aquatic fauna such as, but not limited to, *Ceriodaphnia dubia*, Fathead Minnows (*Pimephales promelas*), *Hyalella azteca*, or Rainbow Trout (*Oncorhynchus mykiss*)<sup>20</sup> will provide adequate evidence of toxicity for 303(d) listing purposes.

Microtox<sup>®</sup> toxicity tests may be used to list a water as affected by “toxicity” only if there are data of another kind (freshwater toxicity tests, sediment chemistry, water chemistry, or biological sampling) that indicate water quality impairment.

For any given water, available data may occur throughout the system and/or be concentrated in certain areas. When the location of pollution sources are known, the department reserves the right to assess data representative of impacted conditions separately from data representative of unimpacted conditions. Pollution sources include those that may occur at discrete points along a water body, or those that are more diffuse.

### Chronic Toxicity Events

Parameters in WQS that are labeled as chronic criterion can be assessed in two ways:

1. Continuous Data Sondes
  - a. For data that has been collected consecutively over time, (eg. A data sonde collecting pH every 15 minutes or a two week time period) the data will be used as is after QA/QC procedures.
2. Grab Samples
  - a. For samples that have not been collected consecutively, (eg. Grab sample collected once a week) the hydrologic flow conditions of the stream or the closest USGS gage will be used to verify the sample was collected during stable flow conditions. If the flow conditions were unstable then the sample will not be assessed against the chronic criterion. If the flow conditions were stable then the sample will be assessed against the chronic criterion. There are three categories of stable flow conditions: High, Medium, and Low.
    - i. High Stable Flow – is greater than the 50<sup>th</sup> percentile exceedance flow and less than 10% change in flow over a 48 hour period.
    - ii. Medium Stable Flow – is between the 90<sup>th</sup> percentile exceedance flow and the 50<sup>th</sup> percentile exceedance flow and less than 15% change in flow over a 48 hour period.
    - iii. Low Stable Flow – is less than the 90<sup>th</sup> percentile exceedance flow or less than one cubic foot per second and less than 20% change in flow over a 48 hour period.

### **Sediment**

For toxic chemicals occurring in benthic sediments, data interpretation will include calculation of a geometric mean for specific toxins from an adequate number of samples, and comparing that value to a corresponding Probable Effect Concentration (PEC) given by MacDonald *et al.* (2000). The PEC is the level of a pollutant above which harmful effects

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<sup>20</sup> Reference 10 CSR 20-7.015(9)(L) for additional information

on the aquatic community are likely to be observed. MacDonald (2000) gave an estimate of accuracy for the ability of individual PECs to predict toxicity. For all metals except arsenic, pollutant geometric means will be compared to 150% of the recommended PEC values. These comparisons should meet confidence requirements applied elsewhere in this document. When multiple metal contaminants occur in sediment, toxicity may occur even though the level of each individual pollutant does not reach toxic levels. The method of estimating the synergistic effects of multiple metals in sediments is described below.

The sediment PECs given by MacDonald *et. al.* (2000) are based on some additional data assumptions. Those assumptions include a 1% Total Organic Carbon (TOC) content and that the sample has been sieved to less than 2mm.

The department uses 150% of the PEC values to account for some variability in our assessment of sediment toxicity. Also see the ***Equilibrium Partitioning Sediment Benchmark*** section on page 39 for information on TOC and sulfide considerations for metals toxicity in sediment.

For the sample sieving assumption, the department will use non-sieved (bulk) sediment concentrations for screening level data (Data Code One). Current impairments that have used bulk sediment data as evidence for impairment will remain on the list of impaired streams until sieved data can be collected to show either that it should remain on the list or that the sieved concentrations are below the 150% PEC values. Data that has been sieved to less than 2mm or smaller will be used for comparison to the 150% PEC values.

### ***The Meaning of the Sediment Quotient and How to Calculate It***

Although sediment criteria in the form of a PEC are given for several individual contaminants, it is recognized that when multiple contaminants occur in sediment, toxicity may occur even though the level of each individual pollutant does not reach toxic levels. The method of estimating the synergistic effects of multiple pollutants in sediments given in MacDonald *et al.* (2000) includes the calculation of a PECQ. PECQs greater than 0.75 will be judged as toxic.

This calculation is made by dividing the pollutant concentration in the sample by the PEC value for that pollutant. For single samples, the quotients are summed, and then normalized by dividing that sum by the number of pollutants in the formula. When multiple samples are available, the geometric mean (as calculated for specific pollutants) will be placed in the numerator position for each pollutant included in the equation.

Example: A sediment sample contains the following results in mg/kg:

Arsenic 2.5, Cadmium 4.5, Copper 17, Lead 100, and Zinc 260.

The PEC values for these five pollutants in respective order are:

33, 4.98, 149, 128, and 459 mg/kg.

PECQ =

$$[(2.5/33) + (4.5/4.98) + (17/149) + (100/128) + (260/459)]/5 = 0.488$$

### ***Using PECQ to Judge Metals Toxicity***

Based on research by MacDonald *et al.* (2000) 83% of sediment samples with a PECQ less than 0.5 were non-toxic while 85% of sediment samples with a PECQ greater than 0.5 were toxic. Therefore, to accurately assess the synergistic effects of sediment contaminants on aquatic life, the department will judge PECQ greater than 0.75 as toxic.

### ***Using Total PAHs to Judge Toxicity***

Polycyclic Aromatic Hydrocarbons (PAHs) are organic compounds containing carbon and hydrogen forming aromatic rings (cyclic molecular shapes). The presence of PAHs in the environment when not expected (natural sources can be coal and oil deposits) result from the use and breakdown hydrocarbon compounds. There are three different sources of hydrocarbon compounds: plants (Phytogenic), petroleum (Petrogenic), and the combustion of petroleum, wood, coal etc. (Pyrogenic). Most common sources of PAHs in stream are sealants (coal tar) and other treatments of roads, driveways, and parking lots.

Mount *et al.* (2003) indicates that individual PAH sediment guidelines (PECs) are based on the samples also having an elevated presence of additional PAHs, potentially overestimating the actual toxicity of an individual PAH PEC value. The use of a Total PAH guideline (PEC) reduces variability and provides a better representation of toxicity than the use of individual PAH PECs.

Based on research by MacDonald *et.al* (2000) 81.5% of sediment samples with a Total PAH value less than 22.8 mg/kg (ppm) were non-toxic while 100% of sediment samples with a Total PAH value greater than 22.8 mg/kg (ppm) were toxic. Therefore, to accurately assess the toxicity to aquatic life of total PAHs in sediment, the department will judge Total PAH values greater than 150% of the PEC value (34.2 mg/kg) as toxic. For PAHs the sum of the geometric means for all PAH compounds will be compared to 150% of the recommended PEC value for total PAHs.

### ***What compounds are considered in calculating Total PAHs and how will they be compared to the 150% PEC value?***

To calculate Total PAHs for a sample, Mount *et.al.* (2003) recommends following United States Environmental Protection Agency, Environmental Monitoring Assessment Program's definition of Total PAHs. This definition includes 34 PAH compounds; 18 parent PAHs and 16 alkylated PAHs. (See Table 3 below for a list of these compounds.) Mount *et.al.* (2003) shows that using less than the 34 PAH compounds can underestimate the toxicity of PAHs in sediment. Total Organic Carbon (TOC) has the potential to affect the bio-

availability of PAHs. Organic carbon can provide a binding phase for PAHs, but the extent of that binding capacity is unknown. Through the Weight of Evidence approach (see section D II) the department will consider the effects of TOC on a case by case basis.

Commonly only 14 to 18 of the 34 PAH compounds are requested for analysis. Therefore the process to judge toxicity due to total PAHs is as follows:

- If samples are analyzed for fewer than the 34 PAH compounds then
  - If the sum (sum of the geometric means for more than one sample) of those compounds is greater than the 150% PEC then the sample(s) will be judged as toxic.
  - If the sum (sum of the geometric means for more than one sample) of those compounds is greater than the 100% PEC but less than 150% of the PEC then the sample(s) will be judged as inconclusive.
  - If the sum (sum of the geometric means for more than one sample) of those compounds is less than the 100% PEC then the values will be judged as non-toxic.
- If samples are analyzed for the 34 PAH compounds then
  - If the sum (sum of the geometric means for more than one sample) of those compounds is greater than the 150% PEC then the sample(s) will be judged as toxic.
  - If the sum (sum of the geometric means for more than one sample) of those compounds is less than the 150% PEC then the values will be judged as non-toxic.

**Table 3. List of 34 polycyclic aromatic hydrocarbon (PAH) compounds that are considered for the calculation of total PAHs.**

Parent PAHs	Alkylated PAHs
Acenaphthene	C1-Benzanthracene/chrysenes
Acenaphthylene	C1-Fluorenes
Anthracene*	C1-Naphthalenes
Benz(a)anthracene*	C1-Phenanthrene/anthracenes
Benzo(a)pyrene*	C1-Pyrene/fluoranthenes
Benzo(b)fluoranthene	C2-Benzanthracene/chrysenes
Benzo(e)pyrene	C2-Fluorenes
Benzo(g,h,i)perylene	C2-Naphthalenes
Benzo(k)fluoranthene	C2-Phenanthrene/anthracenes

Chrysene*	C3-Benzanthracene/chrysenes
Dibenz(a,h)anthracene	C3-Fluorenes
Fluoranthene*	C3-Naphthalenes
Fluorene*	C3-Phenanthrene/anthracenes
Indeno(1,2,3-cd)pyrene	C4-Benzanthracene/chrysenes
Naphthalene*	C4-Naphthalenes
Perylene	C4-Phenanthracene/anthracenes
Phenanthrene*	
Pyrene*	
*Listed in Table 3 of MacDonald et.al (2000)	

#### ***Equilibrium Partitioning Sediment Benchmark (ESB) Data***

Another type of analysis of the toxicity of metals in sediment is based on the EPA (2006) paper that discusses ESBs and their use. The department will not be collecting this type of data but will consider the data under the weight of evidence approach. To be considered the data must be accompanied by the name of the laboratory that completed the analysis and a copy of their laboratory procedures and QC documentation. Sieved sediment samples will be judged as toxic for metals in sediment if the sum of the simultaneously extracted metals minus acid volatile sulfides then divided by the fractional organic carbon  $[(\Sigma\text{SEM} - \text{AVS})/\text{FOC}]$  is greater than 3000. If additional sieved sediment samples also show toxicity for a particular metal(s) then that particular metal(s) will be identified as the cause for toxicity.

Pictorial Representations (flow charts) for how these different sediment toxicity procedures could be used in the weight of evidence procedure are displayed in Appendix E.

#### **VI. Duration of Assessment Period**

Except where the assessment period is specifically noted in Appendix B, the time period during which data will be used in making the assessments will be determined by data age and data code considerations, as well as representativeness considerations such as those described in footnote 14.

#### **VII. Assessment of Tier Three Waters**

Waters given Tier Three protection by the anti-degradation rule at 10 CSR 20-7.031(2) shall be considered impaired if data indicate water quality has been reduced in comparison to its historical quality. Historical quality is determined from past data that best describes a

water body's water quality following promulgation of the anti-degradation rule and at the time the water was given Tier Three protection.

Historical data gathered at the time waters were given Tier Three protection will be used if available. Because historical data may be limited, the historical quality of the waters may be determined by comparing data from the assessed segment with data from a "representative" segment. A representative segment is a body or stretch of water that best reflects the conditions that probably existed at the time the anti-degradation rule first applied to the waters being assessed. Examples of possible representative data include 1) data from stream segments upstream of assessed segments that receive discharges, and 2) data from other water bodies in the same ecoregion having similar watershed and landscape characters. These representative stream segments also would be characterized by receiving discharges similar to the quality and quantity of historic discharges of the assessed segment. The assessment may also use data from the assessed segment gathered between the time of the initiation of Tier Three protection and the last known time in which upstream discharges, runoff, and watershed conditions remained the same, provided that the data do not show any significant trends of declining water quality during that period.

The data used in the comparisons will be tested for normality and an appropriate statistical test will be applied. The null hypothesis for statistical analysis will be that water quality at the test segment and representative segment is the same. This will be a one-tailed test (the test will consider only the possibility that the assessed segment has poorer water quality) with the alpha level of 0.1, meaning that the test must show greater than a 90 percent probability that the assessed segment has poorer water quality than the representative segment before the assessed segment can be listed as impaired.

#### VIII. Other Types of Information

1. Observation and evaluation of waters for noncompliance with state narrative water quality criteria. Missouri's narrative water quality criteria, as described in 10 CSR 20-7.031 Section (3), may be used to evaluate waters when a quantitative (narrative) value can be applied to the pollutant. These narrative criteria apply to both classified and unclassified waters and prohibit the following in waters of the state:
  - a. Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly, or harmful bottom deposits or prevent full maintenance of beneficial uses;
  - b. Waters shall be free from oil, scum, and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses;
  - c. Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor, or prevent full maintenance of beneficial uses;
  - d. Waters shall be free from substances or conditions in sufficient amounts to result in toxicity to human, animal, or aquatic life;

- e. There shall be no significant human health hazard from incidental contact with the water;
  - f. There shall be no acute toxicity to livestock or wildlife watering;
  - g. Waters shall be free from physical, chemical, or hydrologic changes that would impair the natural biological community;
  - h. Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles or equipment, and solid waste as defined in Missouri's Solid Waste Law, section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to sections 260.200–260.247, RSMo;
2. Habitat assessment protocols for wadeable streams have been established and are conducted in conjunction with sampling aquatic macroinvertebrates and fish. Methods for evaluating aquatic macroinvertebrate and fish community data include assessment procedures that account for the presence or absence of representative habitat quality. The department will not use habitat data alone for assessment purposes.

#### **E. Other 303(d) Listing Considerations**

- Adding to the Existing List or Expanding the Scope of Impairment to a Previously Listed Water.

The listed portion of impaired water bodies may be increased based on recent monitoring data following the guidelines in this document. One or more new pollutants may be added to the listing for a water body already on the list based on recent monitoring data following these same guidelines. Waters not previously listed may be added to the list following the guidelines in this document.

- Deleting from the Existing List or Decreasing the Scope of Impairment to a Previously Listed Water

The listed portion of an impaired water body may be decreased based on recent monitoring data following the guidelines in this document. One or more pollutants may be deleted from the listing for a water body already on the list based on recent monitoring data following guidelines in Appendix D. Waters may be completely removed from the list for several reasons<sup>21</sup>; the most common being (1) water has returned to compliance with water quality standards, or (2) the water has an approved TMDL study or Permit in Lieu of a TMDL.

- Listing Length of Impaired Segments

The length of a 303(d) listing is currently based on the WBID length from the Missouri WQS. The department is using the WBID as the assessment unit to report to USEPA.

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<sup>21</sup> See, "Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act". USEPA, Office of Water, Washington DC.

When the department gains the database capability to further refine assessment units into segments smaller than WBIDs while maintain a transparent link to the WBID and Missouri's WQS, then the department will do so and will provide justification for splitting the WBID up into smaller assessment units in the assessment worksheets and can be discussed during the public notice process.

## **F. Prioritization of Waters for TMDL Development**

Section 303(d) of the Clean Water Act and federal regulation 40 CFR 130.7(b)(4) requires states to submit a priority ranking of waters requiring TMDLs. The department will prioritize development of TMDLs based on several variables including:

- social impact/public interest and risk to public health
- complexity and cost (including consideration of budget constraints), availability of data of sufficient quality and quantity for TMDL modeling
- court orders, consent decrees, or other formal agreements
- source of impairments
- existence of appropriate numeric quality criteria
- implementation potential and amenability of the problem to treatment, and
- Integrated Planning efforts by municipalities and other entities

The department's TMDL schedule will represent its prioritization. The TMDL Program develops the TMDL schedule and maintains it at the following website:

<http://www.dnr.mo.gov/env/wpp/tmdl/>.

## **G. Resolution of Interstate/International Disagreements**

The department will review the draft 303(d) Lists of all other states with which it shares a border (Missouri River, Mississippi River, Des Moines River and the St. Francis River) or other interstate waters. Where the listing for the same water body in another state is different than the one in Missouri, the department will request the data and the listing justification. These data will be reviewed following the evaluation guidelines in this document. The Missouri Section 303(d) list may be changed pending the evaluation of this additional data.

## **H. Statistical Considerations**

The most recent EPA guidance on the use of statistics in the 303(d) listing methodology document is given in Appendix A. Within this guidance there are three major recommendations regarding statistics:

- Provide a description of analytical tools the state uses under various circumstances
- When conducting hypothesis testing, explain the various circumstances under which the burden of proof is placed on proving the water is impaired and when it is placed on proving the water is unimpaired, and
- Explain the level of statistical significance ( $\alpha$ ) used under various circumstances.

- Description of Analytical Tools

Appendix D, describes the analytical tools the department will use to determine whether a water body is impaired and whether or when a listed water body is no longer impaired.

- Rationale for the Burden-of-Proof

Hypothesis testing is a common statistical practice. The procedure involves first stating a hypothesis you want to test, such as “the most frequently seen color on clothing at a St. Louis Cardinals game is red” and then the opposite or null hypothesis “red is not the most frequently seen color on clothing at a Cardinals game.” Then a statistical test is applied to the data (a sample of the predominant color of clothing worn by 200 fans at a Cardinals game on July 12) and based on an analysis of that data, one of the two hypotheses is chosen as correct.

In hypothesis testing, the burden-of-proof is always on the alternate hypothesis. In other words, there must be very convincing data to make us conclude that the null hypothesis is not true and that we must accept the alternate hypothesis. How convincing the data must be is stated as the “significance level” of the test. A significance level of  $\alpha=0.10$  means that there must be at least a 90 percent probability that the alternate hypothesis is true before we can accept it and reject the null hypothesis.

For analysis of a specific kind of data, either the test significance level or the statement of null and alternative hypotheses, or both, can be varied to achieve the desired degree of statistical rigor. The department has chosen to maintain a consistent set of null and alternate hypotheses for all our statistical procedures. The null hypothesis will be that the water body in question is unimpaired and the alternate hypothesis will be that it is impaired. Varying the level of statistical rigor will be accomplished by varying the test significance level. For determining impairment (Appendix D) test significance levels are set at either  $\alpha=0.1$  or  $\alpha=0.4$ , meaning the data must show at minimum 90% or 60% probability, respectively that the water body is impaired. However, if the department retained these same test significance levels in determining when an impaired water body had been restored to an unimpaired status (Appendix D) some undesirable results can occur.

For example, using a 0.1 significance level for determining both impairment and non-impairment, if the sample data indicate the stream had a 92 percent probability of being impaired, it would be rated as impaired. If subsequent data were collected and added to the database, and the data now showed the water had an 88 percent chance of being impaired, it would be rated as unimpaired. Judging as unimpaired a water body with only a 12 percent probability of being unimpaired is clearly a poor decision. To correct this problem, the department will use a test significance level of 0.4 for some analytes and 0.6 for others. This will increase our confidence in determining compliance with criteria to 40 percent and 60 percent, respectively under the worst case conditions, and for most databases will provide an even higher level of confidence.

- Level of Significance Used in Tests

The choice of significance levels is largely related to two concerns. The first concern is with matching error rates with the severity of the consequences of making a decision error. The second addresses the need to balance, to the degree practicable, Type I and Type II error rates. For relatively small number of samples, the disparity between Type I and Type II errors can be large. The tables 4 and 5 below shows error rates calculated using the binomial distribution for two very similar situations. Type I error rates are based on a stream with a 10 percent exceedance rate of a standard, and Type II error rates are based on a stream with a 15 percent exceedance rate of a standard. Note that when sample size remains the same, Type II error rates increase as Type I error rates decrease (Table 4). Also note that for a given Type I error rate, the Type II error rate declines as sample size increases (Table 5).

**Table 4.**

**Effects of Type I error rates on Type II error rates. Type I error rates are based on a stream with a 10 percent exceedance rate of a standard and Type II error rates for a stream with a 15 percent exceedance rate of a standard.**

Total No. of Samples	No. Samples Meeting Std.	Type I Error Rate	Type II Error Rate
18	17	0.850	0.479
18	16	0.550	0.719
18	15	0.266	0.897
18	14	0.098	0.958
18	13	0.028	0.988

**Table 5.**

**Effects of Type I error rates and sample size on Type II error rates. Type I error rates are based on a stream with a 10 percent exceedance rate of a standard and Type II error rates for a stream with a 15 percent exceedance rate of a standard.**

Total No. of Samples	No. Samples Meeting Std.	Type I Error Rate	Type II Error Rate
6	5	0.469	0.953
11	9	0.303	0.930
18	15	0.266	0.897
25	21	0.236	0.836

- Use of the Binomial Probability Distribution for Interpretation of the 10 Percent Rule

There are two options for assessing data for compliance with the 10 percent rule. One is to simply calculate the percent of time the criterion value is not met, and to judge the water to be impaired if this value is greater than 10 percent. The second method is to use some evaluative procedure that can review the data and provide a probability statement regarding compliance

with the 10 percent rule. Since the latter option allows assessment decisions relative to specific test significance levels and the first option does not, the latter option is preferred. The procedure chosen is the binomial probability distribution and calculation of the Type I error rate.

- Other Statistical Considerations

Prior to calculation of confidence limits, the normality of the data set will be evaluated. If normality is improved by a data transformation, the confidence limits will be calculated on the transformed data.

Time of sample collection may be biased and interfere with an accurate measurement of frequency of exceedance of a criterion. Data sets composed mainly or entirely of storm water data or data collected only during a season when water quality problems are expected could result in a biased estimate of the true exceedance frequency. In these cases, the department may use methods to estimate the true annual frequency and display these calculations whenever they result in a change in the impairment status of a water body.

For waters judged to be impaired based on biological data where data evaluation procedures are not specifically noted in Table 1, the statistical procedure used, test assumptions, and results will be reported.

- Examples of Statistical Procedures

*Two Sample “t” Test for Color*

Null Hypothesis: Amount of color is no greater in a test stream than in a control stream. As stated, this is a one-sided test, meaning that we are only interested in determining whether or not the color level in the test stream is greater than in a control stream. If the null hypothesis had been “amount of color is different in the test and control streams,” we would have been interested in determining if the amount of color was either less than or greater than the control stream, a two-sided test.

Significance Level:  $\alpha=0.10$

Data Set: Platinum-Cobalt color units data for the test stream and a control stream samples collected at each stream on same date.

Test Stream	70	45	35	45	60	60	80
Control Stream	50	40	20	40	30	40	75
Difference (T-C)	20	5	15	5	30	20	5

Statistics for the Difference: Mean = 14.28, standard deviation = 9.76,  $n = 7$   
Calculated “t” value = (square root of  $n$ )(mean)/standard deviation = 3.86

Tabular “t” value is taken from a table of the “t” distribution for 2 alpha (0.20) and n-1 degrees of freedom. Tabular “t” = 1.44.

Since calculated “t” value is greater than tabular t value, reject the null hypothesis and conclude that the test stream is impaired by color.

#### Statistical Procedure for Mercury in Fish Tissue

Data Set: data in  $\mu\text{g/Kg}$  130, 230, 450. Mean = 270, Standard Deviation = 163.7

The 60% Lower Confidence Limit Interval = the sample mean minus the quantity:

$((0.253)(163.7)/\text{square root } 3) = 23.9$ . Thus the 60% LCL Confidence Interval is 246.1  $\mu\text{g/Kg}$ .

The criterion value is 300  $\mu\text{g/Kg}$ . Therefore, since the 60% LCL Confidence Interval is less than the criterion value, the water is judged to be unimpaired by mercury in fish tissue, and the water body is placed in either Category 2B or 3B.

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## **Appendix A**

**Excerpt** from *Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act*. July 29, 2005. USEPA pp. 39-41.

The document can be read in its entirety from the US. EPA web site:

<http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/upload/2006irg-report.pdf>

### *G. How should statistical approaches be used in attainment determinations?*

*The state's methodology should provide a rationale for any statistical interpretation of data for the purpose of making an assessment determination.*

- *Description of statistical methods to be employed in various circumstances*

*The methodology should provide a clear explanation of which analytic tools the state uses and under which circumstances. EPA recommends that the methodology explain issues such as the selection of key sample statistics (arithmetic mean concentration, median concentration, or a percentile), null and alternative hypotheses, confidence intervals, and Type I and Type II error thresholds. The choice of a statistic tool should be based on the known or expected distribution of the concentration of the pollutant in the segment (e.g., normal or log normal) in both time and space.*

*Past EPA guidance (1997 305(b) and 2000 CALM) recommended making non-attainment decisions, for "conventional pollutants"<sup>22</sup> — TSS, pH, BOD, fecal coliform bacteria, and oil and grease — when more than "10% of measurements exceed the water quality criterion." (However, EPA guidance has not encouraged use of the "10% rule" with other pollutants, including toxics.) Use of this rule when addressing conventional pollutants, is appropriate if its application is consistent with the manner in which applicable WQC are expressed. An example of a WQC for which an assessment based on the ten percent rule would be appropriate is the EPA acute WQC for fecal coliform bacteria, applicable to protection of water contact recreational use. This 1976-issued WQC was expressed as, "...no more than ten percent of the samples exceeding 400 CFU per 100 ml, during a 30-day period." Here, the assessment methodology is clearly reflective of the WQC.*

*On the other hand, use of the ten percent rule for interpreting water quality data is usually not consistent with WQC expressed either as: 1) instantaneous maxima not to be surpassed at any time, or 2) average concentrations over specified times. In the case of "instantaneous maxima (or minima) never to occur" criteria use of the ten percent rule typically leads to the belief that segment conditions are equal or better than specified by the WQC, when they in fact are considerably worse. (That is,*

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<sup>22</sup> There are a variety of definitions for the term "conventional pollutants." Wherever this term is referred to in this guidance, it means "a pollutant other than a toxic pollutant."

*pollutant concentrations are above the criterion-concentration a far greater proportion of the time than specified by the WQC.) Conversely, use of this decision rule in concert with WQC expressed as average concentrations over specific times can lead to concluding that segment conditions are worse than WQC, when in fact they are not.*

*If the state applies different decision rules for different types of pollutants (e.g., toxic, conventional, and non-conventional pollutants) and types of standards (e.g., acute vs. chronic criteria for aquatic life or human health), the state should provide a reasonable rationale supporting the choice of a particular statistical approach to each of its different sets of pollutants and types of standards.*

- 1. Elucidation of policy choices embedded in selection of particular statistical approaches and use of certain assumptions EPA strongly encourages states to highlight policy decisions implicit in the statistical analysis that they have chosen to employ in various circumstances. For example, if hypothesis testing is used, the state should make its decision-making rules transparent by explaining why it chose either “meeting WQS” or “not meeting WQS” as the null hypothesis (rebuttable presumption) as a general rule for all waters, a category of waters, or an individual segment. Starting with the assumption that a water is “healthy” when employing hypothesis testing means that a segment will be identified as impaired, and placed in Category 4 or 5, only if substantial amounts of credible evidence exist to refute that presumption. By contrast, making the null hypothesis “WQS not being met” shifts the burden of proof to those who believe the segment is, in fact, meeting WQS.*

*Which “null hypothesis” a state selects could likely create contrasting incentives regarding support for additional ambient monitoring among different stakeholders. If the null hypothesis is “meeting standards,” there were no previous data on the segment, and no additional existing and readily available data and information are collected, then the “null hypothesis” cannot be rejected, and the segment would not be placed in Category 4 or 5. In this situation, those concerned about possible adverse consequences of having a segment declared “impaired” might have little interest in collection of additional ambient data. Meanwhile, users of the segment would likely want to have the segment monitored, so they can be ensured that it is indeed capable of supporting the uses of concern. On the other hand, if the null hypothesis is changed to “segment not meeting WQS,” then those that would prefer that a particular segment not be labeled “impaired” would probably want more data collected, in hopes of proving that the null hypothesis is not true.*

*Another key policy issue in hypothesis testing is what significance level to use in deciding whether to reject the null hypothesis. Picking a high level of significance for rejecting the null hypothesis means that great emphasis is being placed on avoiding a Type I error (rejecting the null hypothesis, when in fact, the null hypothesis is true). This means that if a 0.10 significance level is chosen, the state wants to keep the chance of making a Type I error at or below ten percent. Hence, if the chosen null hypothesis is “segment meeting*

*WQS,” the state is trying to keep the chance of saying a segment is impaired – when in reality it is not – under ten percent.*

*An additional policy issue is the Type II errors (not rejecting the null hypothesis, when it should have been). The probability of Type II errors depends on several factors. One key factor is the number of samples available. With a fixed number of samples, as the probability of Type I error decreases, the probability of a Type II error increases. States would ideally collect enough samples so the chances of making Type I and Type II errors are simultaneously small. Unfortunately, resources needed to collect such numbers of samples are quite often not available.*

*The final example of a policy issue that a state should describe is the rationale for concentrating limited resources to support data collection and statistical analysis in segments where there are documented water quality problems or where the combination of nonpoint source loadings and point source discharges would indicate a strong potential for a water quality problem to exist.*

*EPA recommends that, when picking the decision rules and statistical methods to be utilized when interpreting data and information, states attempt to minimize the chances of making either of the two following errors:*

- Concluding the segment is impaired, when in fact it is not, and*
- Deciding not to declare a segment impaired, when it is in fact impaired.*

*States should specify in their methodology what significance level they have chosen to use, in various circumstances. The methodology would best describe in “plain English” the likelihood of deciding to list a segment that in reality is not impaired (Type I error if the null hypothesis is “segment not impaired”). Also, EPA encourages states to estimate, in their assessment databases, the probability of making a Type II error (not putting on the 303(d) list a segment that in fact fails to meet WQS), when: 1) commonly-available numbers of grab samples are available, and 2) the degree of variance in pollutant concentrations are at commonly encountered levels. For example, if an assessment is being performed with a WQC expressed as a 30-day average concentration of a certain pollutant, it would be useful to estimate the probability of a Type II error when the number of available samples over a 30 day period is equal to the average number of samples for that pollutant in segments state-wide, or in a given group of segments, assuming a degree of variance in levels of the pollutant often observed over typical 30 day periods.*

## Appendix B

### **METHODS FOR ASSESSING COMPLIANCE WITH WATER QUALITY STANDARDS USED FOR 303(d) LISTING PURPOSES: NUMERIC CRITERIA THAT ARE INCLUDED IN STATE WATER QUALITY STANDARDS (10 CSR 20-7.031)**

<b>DESIGNATED USES</b>	<b>DATA TYPE</b>	<b>DATA QUALITY CODE</b>	<b>COMPLIANCE WITH WATER QUALITY STANDARDS<sup>i</sup></b>	<b>Notes</b>
Overall use protection (all designated uses)	No data. Evaluated based on similar land use/ geology as stream with water quality data.	Not applicable	Given same rating as monitored stream with same land use and geology.	<b>Data Type Note:</b> This data type is used only for wide-scale assessments of aquatic biota and aquatic habitat for 305(b) Report purposes. This data type is not used in the development of the 303(d) List.
Any designated uses	No data available or where only effluent data is available. Results of dilution calculations or water quality modeling	Not applicable	Where models or other dilution calculations indicate noncompliance with allowable pollutant levels and frequencies noted in this table, waters may be added to Category 3B and considered high priority for water quality monitoring.	
Protection of Aquatic Life	Dissolved oxygen, water temperature, pH, total dissolved gases, oil and grease.	1-4	<p><u>Full:</u> No more than 10% of all samples exceed criterion.</p> <p><u>Non-Attainment:</u> Requirements for full attainment not met.</p> <p><u>Requirements:</u> A minimum sample size of 10 samples during the assessment period (see Section VI above).</p>	<p><b>Compliance with Water Quality Standards Note:</b> Some sampling periods are wholly or predominantly during the critical period of the year when criteria violations occur. Where the monitoring program presents good evidence of a demarcation between seasons where criteria exceedances occur and seasons when they do not, the 10% exceedance rate will be based on an annual estimate of the frequency of exceedance.</p> <p>Continuous (e.g. sonde) data with a quality rating of excellent or good will be used for assessments.</p> <p>Chronic pH will be used in the LMD only if these criteria appear in the Code of State</p>

## Appendix B

### METHODS FOR ASSESSING COMPLIANCE WITH WATER QUALITY STANDARDS USED FOR 303(d) LISTING PURPOSES: NUMERIC CRITERIA THAT ARE INCLUDED IN STATE WATER QUALITY STANDARDS (10 CSR 20-7.031)

DESIGNATED USES	DATA TYPE	DATA QUALITY CODE	COMPLIANCE WITH WATER QUALITY STANDARDS <sup>i</sup>	Notes
				Regulations, and approved by the U.S. Environmental Protection Agency.
Losing Streams	<i>E. coli</i> bacteria	1-4	<p><u>Full</u>: No more than 10% of all samples exceed criterion.</p> <p><u>Non-Attainment</u>: Requirements for full attainment not met.</p> <p>The criterion for <i>E. coli</i> is 126 counts/100ml. 10 CSR 20-7.031 (4)(C)</p>	
Protection of Aquatic Life	Toxic chemicals	1-4	<p><u>Full</u>: No more than one acute toxic event in three years that results in a documented die-off of aquatic life such as fish, mussels, and crayfish (does not include die-offs due to natural origin). No more than one exceedance of acute or chronic criterion in the last three years for which data is available.</p> <p><u>Non-Attainment</u>: Requirements for full attainment not met.</p>	<p><b>Compliance with Water Quality Standards Note</b>: For hardness based metals with eight or fewer samples, the hardness value associated with the sample will be used to calculate the acute or chronic thresholds.</p> <p>For hardness based metals with more than eight samples, the hardness definition provided in state water quality standards will be used to calculate the acute and chronic thresholds.</p>
Protection of Aquatic Life	Nutrients in Lakes (total phosphorus, total nitrogen, and chlorophyll-a)	1-4	<p><u>Full</u>: Nutrient levels do not exceed water quality standards following procedures stated in Appendix D and F.</p> <p><u>Non-Attainment</u>: Requirements for full attainment not met.</p>	<p><b>Compliance with Water Quality Standards Note</b>: Ecoregional nutrient criteria will be used only if these criteria are approved by the U.S. Environmental Protection Agency.</p>
Human Health - Fish Consumption	Chemicals (water)	1-4	<p><u>Full</u>: Water quality does not exceed water quality standards following procedures stated in Appendix D.</p> <p><u>Non-Attainment</u>: Requirements for full attainment not met.</p>	

## Appendix B

### METHODS FOR ASSESSING COMPLIANCE WITH WATER QUALITY STANDARDS USED FOR 303(d) LISTING PURPOSES: NUMERIC CRITERIA THAT ARE INCLUDED IN STATE WATER QUALITY STANDARDS (10 CSR 20-7.031)

DESIGNATED USES	DATA TYPE	DATA QUALITY CODE	COMPLIANCE WITH WATER QUALITY STANDARDS <sup>i</sup>	Notes
Drinking Water Supply -Raw Water.	Chemical (toxics)	1-4	<u>Full</u> : Water Quality Standards not exceeded following procedures stated in Appendix D.  <u>Non-Attainment</u> : Requirements for full attainment not met.	<b>Designated Use Note:</b> Raw water is water from a stream, lake or groundwater prior to treatment in a drinking water treatment plant.
Drinking Water Supply- Raw Water	Chemical (sulfate, chloride, fluoride)	1-4	<u>Full</u> : Water quality standards not exceeded following procedures stated in Appendix D.  <u>Non-Attainment</u> : Requirements for full attainment not met.	
Drinking Water Supply-Finished Water	Chemical (toxics)	1-4	<u>Full</u> : No Maximum Contaminant Level (MCL) violations based on Safe Drinking Water Act data evaluation procedures.  <u>Non-Attainment</u> : Requirements for full attainment not met.	<b>Compliance with Water Quality Standards Note:</b> Finished water data will not be used for analytes where water quality problems may be caused by the drinking water treatment process such as the formation of Trihalomethanes (THMs) or problems that may be caused by the distribution system (bacteria, lead, copper).
Whole-Body-Contact Recreation and Secondary Contact Recreation	Fecal coliform or <i>E. coli</i> count	2-4	Where there are at least five samples per year taken during the recreational season:  <u>Full</u> : Water quality standards not exceeded as a geometric mean, in any of the last three years for which data is available, for samples collected during seasons for which bacteria criteria apply.  <u>Non-Attainment</u> : Requirements for full attainment not met.	<b>Compliance with Water Quality Standards Note:</b> A geometric mean of 206 cfu/100 ml for <i>E. coli</i> will be used as a criterion value for Category B Recreational Waters. Because Missouri's Fecal Coliform Standard ended December 31, 2008, any waters appearing on the 2008 303(d) List as a result of the Fecal Coliform Standard will be retained on the list with the pollutant listed as "bacteria" until sufficient <i>E. coli</i> sampling has determined the status of the water.

## **Appendix B**

### **METHODS FOR ASSESSING COMPLIANCE WITH WATER QUALITY STANDARDS USED FOR 303(d) LISTING PURPOSES: NUMERIC CRITERIA THAT ARE INCLUDED IN STATE WATER QUALITY STANDARDS (10 CSR 20-7.031)**

<b>DESIGNATED USES</b>	<b>DATA TYPE</b>	<b>DATA QUALITY CODE</b>	<b>COMPLIANCE WITH WATER QUALITY STANDARDS<sup>i</sup></b>	<b>Notes</b>
Irrigation, Livestock and Wildlife Water	Chemical	1-4	<u>Full</u> : Water quality standards not exceeded following procedures stated in Appendix D.  <u>Non-Attainment</u> : Requirements for full attainment not met.	

<sup>i</sup> See section on Statistical Considerations, Appendix C & D.

## Appendix C

### **METHODS FOR ASSESSING COMPLIANCE WITH WATER QUALITY STANDARDS USED FOR 303(d) LISTING PURPOSES: NARRATIVE CRITERIA BASED ON NUMERIC THRESHOLDS NOT CONTAINED IN STATE WATER QUALITY STANDARDS (10 CSR 20-7.031)**

<b>BENEFICIAL USES</b>	<b>DATA TYPE</b>	<b>DATA QUALITY CODE</b>	<b>COMPLIANCE WITH WATER QUALITY STANDARDS<sup>ii</sup></b>	<b>Notes</b>
Overall use protection (all beneficial uses)	Narrative criteria for which quantifiable measurements can be made.	1-4	<p><u>Full</u>: Stream condition typical of reference or appropriate control streams in this region of the state.</p> <p><u>Non-Attainment</u>: The weight of evidence, based on the narrative criteria in 10 CSR 20-7.031(3), demonstrates the observed condition exceeds a numeric threshold necessary for the attainment of a beneficial use.</p> <p>For example: Color: Color as measured by the Platinum-Cobalt visual method (SM 2120 B) in a water body is statistically significantly higher than a control water.</p> <p>Objectionable Bottom Deposits: The bottom that is covered by sewage sludge, trash, or other materials reaching the water due to anthropogenic sources exceeds the amount in reference or control streams by more than 20 percent.</p> <p>Note: Waters in mixing zones and unclassified waters that support aquatic life on an intermittent basis shall be subject to acute toxicity criteria for protection of aquatic life. Waters in the initial Zone of Dilution shall not be subject to acute toxicity criteria.</p>	

## Appendix C

### METHODS FOR ASSESSING COMPLIANCE WITH WATER QUALITY STANDARDS USED FOR 303(d) LISTING PURPOSES: NARRATIVE CRITERIA BASED ON NUMERIC THRESHOLDS NOT CONTAINED IN STATE WATER QUALITY STANDARDS (10 CSR 20-7.031)

BENEFICIAL USES	DATA TYPE	DATA QUALITY CODE	COMPLIANCE WITH WATER QUALITY STANDARDS <sup>ii</sup>	Notes
Protection of Aquatic Life	Toxic Chemicals	1-4	<p><u>Full</u>: No more than one acute toxic event in three years (does not include die-offs of aquatic life due to natural origin). No more than one exceedance of acute or chronic criterion in three years for all toxics.</p> <p><u>Non-Attainment</u>: Requirements for full attainment not met.</p>	<p><b>Compliance with Water Quality Standards Note:</b> The test result must be representative of water quality for the entire time period for which acute or chronic criteria apply. For ammonia the chronic exposure period is 30 days, for all other toxics 96 hours. The acute exposure period for all toxics is 24 hours, except for ammonia which has a one hour exposure period. The department will review all appropriate data, including hydrographic data, to ensure only representative data are used. Except on large rivers where storm water flows may persist at relatively unvarying levels for several days, grab samples collected during storm water flows will not be used for assessing chronic toxicity criteria.</p> <p><b>Compliance with Water Quality Standards Note:</b> In the case of toxic chemicals occurring in benthic sediment rather than in water, the numeric thresholds used to determine the need for further evaluation will be the Probable Effect Concentrations proposed in “Development and Evaluation of Consensus-Based Sediment Quality Guidelines for Freshwater Ecosystems” by MacDonald, D.D. <i>et al.</i> Arch. Environ. Contam. Toxicol. 39,20-31 (2000). These Probable Effect Concentrations are as follows: 33 mg/kg As; 4.98 mg/kg Cd; 111 mg/kg Cr; 149 mg/kg Cu; 48.6 mg/kg Ni; 128 mg/kg Pb; 459 mg/kg Zn; 561 µg/kg naphthalene; 1170 µg/kg phenanthrene; 1520 µg/kg pyrene; 1050 µg/kg benzo(a)anthracene, 1290 µg/kg chrysene; 1450 µg/kg benzo(a)pyrene; 22,800 µg/kg total polycyclic aromatic hydrocarbons; 676 µg/kg total PCBs; chlordane 17.6 ug/kg; Sum DDE 31.3 ug/kg; lindane (gamma-BHC) 4.99 ug/kg. Where multiple sediment contaminants exist, the Probable Effect Concentrations Quotient shall not exceed 0.75. See Appendix D and Section II. D for more information on the Probable Effect Concentrations Quotient.</p>

## Appendix C

### METHODS FOR ASSESSING COMPLIANCE WITH WATER QUALITY STANDARDS USED FOR 303(d) LISTING PURPOSES: NARRATIVE CRITERIA BASED ON NUMERIC THRESHOLDS NOT CONTAINED IN STATE WATER QUALITY STANDARDS (10 CSR 20-7.031)

BENEFICIAL USES	DATA TYPE	DATA QUALITY CODE	COMPLIANCE WITH WATER QUALITY STANDARDS <sup>ii</sup>	Notes
Protection of Aquatic Life	Biological: Aquatic Macro-invertebrates sampled using DNR Protocol.	3-4	<p><u>Full:</u> For seven or fewer samples and following DNR wadeable streams macroinvertebrate sampling and evaluation protocols, 75% of the stream condition index scores must be 16 or greater. Fauna achieving these scores are considered to be very similar to regional reference streams. For greater than seven samples or for other sampling and evaluation protocols, results must be statistically similar to representative reference or control stream.</p> <p><u>Non-Attainment:</u> For seven or fewer samples and following DNR wadeable streams macroinvertebrate sampling and evaluation protocols, 75% of the stream condition index scores must be 14 or lower. Fauna achieving these scores are considered to be substantially different from regional reference streams. For more than seven samples or for other sampling and evaluation protocols, results must be statistically dissimilar to control or representative reference streams.</p>	<p><b>Data Type Note:</b> DNR invert protocol will not be used for assessment in the Mississippi Alluvial Basin (bootheel area) due to lack of reference streams for comparison.</p> <p><b>Data Type Note:</b> See Section II.D. for additional criteria used to assess biological data.</p> <p><b>Compliance with Water Quality Standards Note:</b> See Appendix D. For test streams that are significantly smaller than bioreference streams where both bioreference streams and small candidate reference streams are used to assess the biological integrity of the test stream, the assessment of the data should display and take into account both biocriteria reference streams and candidate reference streams.</p>
Protection of Aquatic Life	Biological: MDC Fish Community (RAM) Protocol (Ozark Plateau only)	3-4	<p><u>Full:</u> For seven or fewer samples and following MDC RAM fish community protocols, 75% of the fIBI scores must be 36 or greater. Fauna achieving these scores are considered to be very similar to regional reference streams. For greater than seven samples or for other sampling</p>	<p><b>Data Type Note:</b> See Section II.D. for additional criteria used to assess biological data.</p> <p><b>Compliance with Water Quality Standards Note:</b> MDC fIBI scores are from “Biological Criteria for Streams and Fish Communities in Missouri” by Doisy et al. (2008). If habitat limitations (as measured by either the QCPH1 index or other appropriate methods) are judged to contribute to low fish</p>

## Appendix C

### METHODS FOR ASSESSING COMPLIANCE WITH WATER QUALITY STANDARDS USED FOR 303(d) LISTING PURPOSES: NARRATIVE CRITERIA BASED ON NUMERIC THRESHOLDS NOT CONTAINED IN STATE WATER QUALITY STANDARDS (10 CSR 20-7.031)

BENEFICIAL USES	DATA TYPE	DATA QUALITY CODE	COMPLIANCE WITH WATER QUALITY STANDARDS <sup>ii</sup>	Notes
			<p>and evaluation protocols, results must be statistically similar to representative reference or control streams.</p> <p><u>Suspected of Impairment:</u> Data not conclusive (Category 2B or 3B). For first and second order streams fIBI score &lt; 29.</p> <p><u>Non-Attainment:</u> First and second order streams will not be assessed for non-attainment. When assessing third to fifth order streams with data sets of seven or fewer samples collected by following MDC RAM fish community protocols, 75% of the fIBI scores must be lower than 36. Fauna achieving these scores are considered to be substantially different from regional reference streams. For more than seven samples or for other sampling and evaluation protocols, results must be statistically dissimilar to control or representative reference streams.</p>	<p>community scores and this is the only type of data available, the water body will be included in Category 4C, 2B, or 3B. If other types of data exist, the weight of evidence approach will be used as described in this document.</p> <p><b>Compliance with Water Quality Standards Note:</b> For determining influence of poor habitat on those samples that are deemed as impaired, consultation with MDC RAM staff will be utilized. If, through this consultation, habitat is determined to be a significant possible cause for impairment, the water body will not be rated as impaired, but rather as suspect of impairment (categories 2B or 3B).</p> <p><b>Compliance with Water Quality Standards Note:</b> See Appendix D. For test streams that are significantly smaller than bioreference streams where both bioreference streams and small candidate reference streams are used to assess the biological integrity of the test stream, the assessment of the data should display and take into account both biocriteria reference streams and candidate reference streams.</p>
Protection of Aquatic Life	Other Biological Data	3-4	<p><u>Full:</u> Results must be statistically similar to representative reference or control streams.</p> <p><u>Non-Attainment:</u> Results must be statistically dissimilar to control or representative reference streams.</p>	<b>Data Type Note:</b> See Section II.D. for additional criteria used to assess biological data

## Appendix C

### METHODS FOR ASSESSING COMPLIANCE WITH WATER QUALITY STANDARDS USED FOR 303(d) LISTING PURPOSES: NARRATIVE CRITERIA BASED ON NUMERIC THRESHOLDS NOT CONTAINED IN STATE WATER QUALITY STANDARDS (10 CSR 20-7.031)

BENEFICIAL USES	DATA TYPE	DATA QUALITY CODE	COMPLIANCE WITH WATER QUALITY STANDARDS <sup>ii</sup>	Notes
Protection of Aquatic Life	Toxicity testing of streams or lakes using aquatic organisms	2	<p><u>Full</u>: No more than one test result of statistically significant deviation from controls in acute or chronic test in a three-year period.</p> <p><u>Non-Attainment</u>: Requirements for full attainment not met.</p>	
Human Health - Fish Consumption	Chemicals (tissue)	1-2	<p><u>Full</u>: Contaminant levels in fish tissue levels in fillets, tissue plugs, and eggs do not exceed guidelines.</p> <p><u>Non-Attainment</u>: Requirements for full attainment not met.</p>	<p><b>Compliance with Water Quality Standards Note:</b> Fish tissue threshold levels are; chlordane 0.1 mg/kg (Crellin, J.R. 1989, <i>“New Trigger Levels for Chlordane in Fish-Revised Memo”</i> Mo. Dept. of Health inter-office memorandum. June 16, 1989); mercury 0.3 mg/kg based on “Water Quality Criterion for Protection of Human Health: Methylmercury” EPA-823-R-01-001. Jan. 2001.</p> <p><a href="http://www.epa.gov/waterscience/criteria/methylmercury/merctitl.pdf">http://www.epa.gov/waterscience/criteria/methylmercury/merctitl.pdf</a>; PCBs 0.75 mg/kg, MDHSS Memorandum August 30, 2006 <i>“Development of PCB Risk-based Fish Consumption Limit Tables;”</i> and lead 0.3- mg/kg (World Health Organization 1972. <i>“Evaluation of Certain Food Additives and the Contaminants Mercury, Lead and Cadmium.”</i> WHO Technical Report Series No. 505, Sixteenth Report on the Joint FAO/WHO Expert Committee on Food Additives. Geneva 33 pp. Assessment of Mercury will be based on samples solely from the following higher trophic level fish species: Walleye, Sauger, Trout, Black Bass, White Bass, Striped Bass, Northern Pike, Flathead Catfish and Blue Catfish. In a 2012 DHSS memorandum (not yet approved, but are being considered for future LMD revisions) threshold values are proposed to change as follows: chlordane 0.2 mg/kg ; mercury 0.27 mg/kg ; and PCBs = 0.540 ; lead has not changed, but they do add atrazine and PDBEs (<b>Fish Fillet Advisory Concentrations (FFACs) in Missouri</b>).</p>

<sup>ii</sup> See section on Statistical Considerations and Appendix D.

Appendix D  
DESCRIPTION OF ANALYTICAL TOOLS USED FOR DETERMINING THE STATUS OF MISSOURI WATERS (11” X 14” FOLD OUT)

			Determining when waters are impaired			Determining when waters are no longer impaired			Notes
Designated Use	Analytes	Analytical Tool	Decision Rule/ Hypothesis	Criterion Used with the Decision Rule <sup>iii</sup>	Significance Level ( $\alpha$ )	Decision Rule/ Hypothesis	Criterion Used with the Decision Rule	Significance Level ( $\alpha$ )	
Narrative Criteria	Color	Hypothesis Test: Two Sample, one tailed t-Test	Null Hypothesis: There is no difference in color between test stream and control stream.	Reject Null Hypothesis if calculated “t” value exceeds tabular “t” value for test alpha	0.1	Same Hypothesis	Same Criterion	Same Significance Level	
	Bottom deposits	Hypothesis Test, Two Sample, one tailed “t” Test	Null Hypothesis: Solids of anthropogenic origin cover less than 20% of stream bottom where velocity is less than 0.5 feet/second.	Reject Null Hypothesis if 60% Lower Confidence Limit (LCL) of mean percent fine sediment deposition (pfsd) in stream is greater than the sum of the pfsd in the control and 20 % more of the stream bottom. i.e., where the pfsd is expressed as a decimal, test stream pfsd > (control stream pfsd)+(0.20 )	0.4	Same Hypothesis	Same Criterion	Same Significance Level	<b>Criterion Note:</b> If data is non-normal a nonparametric test will be used as a comparison of medians. The same 20% difference still applies. With current software the Mann- Whitney test is used.



Appendix D

DESCRIPTION OF ANALYTICAL TOOLS USED FOR DETERMINING THE STATUS OF MISSOURI WATERS (11" X 14" FOLD OUT)

Designated Use	Analytes	Analytical Tool	Determining when waters are impaired			Determining when waters are no longer impaired			Notes
			Decision Rule/ Hypothesis	Criterion Used with the Decision Rule <sup>iii</sup>	Significance Level ( $\alpha$ )	Decision Rule/ Hypothesis	Criterion Used with the Decision Rule	Significance Level ( $\alpha$ )	
(cont.)		nonparametric test will be used.	stream is the same as for a reference stream or control streams.	significantly less than reference or control streams.					
			Other biological monitoring to be determined by type of data.	Dependent upon available information.	Dependent upon available information.	Same Hypothesis	Same Criterion	Same Significance Level	
	Toxic chemicals in water: (Numeric)	Not applicable	No more than one toxic event, toxicity test failure or exceedance of acute or chronic criterion in 3 years.	Not applicable	Not applicable	Same Hypothesis	Same Criterion	Same Significance Level	
	Toxic chemicals in sediments: (Narrative)	Comparison of geometric mean to PEC value, or calculation of a PECQ value.	Waters are judged to be impaired if parameter geomean exceeds PEC, or site PECQ is exceeded.	For metals use 150% PEC threshold. The PECQ threshold value is 0.75.	Not applicable	Water is judged to be unimpaired if parameter geomean is equal to or less than PEC, or site PECQ equaled or not exceeded.	For metals use 150% of PEC threshold. The PECQ threshold value is 0.75.	Not applicable	<b>Compliance with Water Quality Standards</b> <b>Note:</b> In the case of toxic chemicals occurring in benthic sediment rather than in water, the numeric thresholds used to determine the need for further evaluation will be the Probable Effect Concentrations proposed in “Development and Evaluation of Consensus-Based Sediment Quality Guidelines for Freshwater Ecosystems” by MacDonald, D.D. <i>et al.</i> Arch. Environ. Contam. Toxicol. 39,20-31 (2000). These Probable Effect Concentrations are as follows: 33 mg/kg As; 4.98 mg/kg Cd; 111 mg/kg Cr; 149 mg/kg Cu; 48.6 mg/kg Ni; 128 mg/kg Pb; 459 mg/kg Zn; 561 µg/kg naphthalene; 1170

Appendix D  
DESCRIPTION OF ANALYTICAL TOOLS USED FOR DETERMINING THE STATUS OF MISSOURI WATERS (11” X 14” FOLD OUT)

			Determining when waters are impaired			Determining when waters are no longer impaired			Notes
Designated Use	Analytes	Analytical Tool	Decision Rule/ Hypothesis	Criterion Used with the Decision Rule <sup>iii</sup>	Significance Level ( $\alpha$ )	Decision Rule/ Hypothesis	Criterion Used with the Decision Rule	Significance Level ( $\alpha$ )	
Aquatic Life (cont.)									$\mu\text{g/kg}$ phenanthrene; 1520 $\mu\text{g/kg}$ pyrene; 1050 $\mu\text{g/kg}$ benzo(a)anthracene, 1290 $\mu\text{g/kg}$ chrysene; 1450 $\mu\text{g/kg}$ benzo(a)pyrene; 22,800 $\mu\text{g/kg}$ total polycyclic aromatic hydrocarbons; 676 $\mu\text{g/kg}$ total PCBs; chlordane 17.6 $\mu\text{g/kg}$ ; Sum DDE 31.3 $\mu\text{g/kg}$ ; lindane (gamma-BHC) 4.99 $\mu\text{g/kg}$ . Where multiple sediment contaminants exist, the Probable Effect Concentrations Quotient shall not exceed 0.75. See Appendix D and Section II. D for more information on the Probable Effect Concentrations Quotient.
	Temperature, pH, total dissolved gases, oil and grease, dissolved oxygen (Numeric)	Binomial probability	Null Hypothesis: No more than 10% of samples exceed the water quality criterion.	Reject Null Hypothesis if the Type I error rate is less than 0.1.	Not applicable	Same Hypothesis	Same Criterion	Same Significance Level	Continuous Sampling (i.e. time series or sonde data collection): Data collected in a time series fashion will be looked at on a 4 day period. If an entire 4 day period is outside of the 6.5 – 9.0 criterion range that will count as a chronic toxicity event. More than one of these events will constitute an impairment listing of the stream. Grab Samples: Data collected as grab samples will be treated as is and the binomial probability calculation will be used for assessment.
Losing Streams	<i>E.coli</i>	Binomial probability	Null Hypothesis: No more than 10% of samples exceed the water quality criterion.	Reject Null Hypothesis if the Type I error rate is less than 0.1.	0.1	Same Hypothesis	Same Criterion	Same Significance Level	

Appendix D

DESCRIPTION OF ANALYTICAL TOOLS USED FOR DETERMINING THE STATUS OF MISSOURI WATERS (11" X 14" FOLD OUT)

			Determining when waters are impaired			Determining when waters are no longer impaired			Notes
Designated Use	Analytes	Analytical Tool	Decision Rule/ Hypothesis	Criterion Used with the Decision Rule <sup>iii</sup>	Significance Level ( $\alpha$ )	Decision Rule/ Hypothesis	Criterion Used with the Decision Rule	Significance Level ( $\alpha$ )	
Human Health – Fish Consumption	Toxic chemicals in water (Numeric)	Hypothesis test: 1-sided confidence limit	Null Hypothesis: Levels of contaminants in water do not exceed criterion.	Reject Null Hypothesis if the 60% LCL is greater than the criterion value.	0.4	Same Hypothesis	Reject Null Hypothesis if the 60% UCL is greater than the criterion value.	Same Significance Level	
	Toxic chemicals in tissue (Narrative)	Four or more samples: Hypothesis test 1-sided confidence limit	Null Hypothesis: Levels in fillet samples or fish eggs do not exceed criterion.	Reject Null Hypothesis if the 60% LCL is greater than the criterion value.	0.4	Same Hypothesis	Reject null hypothesis if the 60% UCL is greater than the criterion value.	Same Significance Level	
Drinking Water Supply (Raw)	Toxic chemicals (Numeric)	Hypothesis test: 1-sided confidence limit	Null Hypothesis: Levels of contaminants do not exceed criterion.	Reject Null Hypothesis if the 60% LCL is greater than the criterion value.	0.4	Same Hypothesis	Reject null hypothesis if the 60% UCL is greater than the criterion value.	Same Significance Level	
	Non-toxic chemicals (Numeric)	Hypothesis test: 1-sided confidence limit	Null Hypothesis: Levels of contaminants do not exceed criterion.	Reject Null Hypothesis: if the 60% LCL is greater than the criterion value.	0.4	Same Hypothesis	Reject null hypothesis if the 60% UCL is greater than the criterion value.	Same Significance Level	
Drinking Water Supply (Finished)	Toxic chemicals	Methods stipulated by Safe Drinking Water Act.	Methods stipulated by Safe Drinking Water Act.	Methods stipulated by Safe Drinking Water Act.	Methods stipulated by Safe Drinking Water Act.	Same Hypothesis	Same Criterion	Same Significance Level	

Appendix D

DESCRIPTION OF ANALYTICAL TOOLS USED FOR DETERMINING THE STATUS OF MISSOURI WATERS (11” X 14” FOLD OUT)

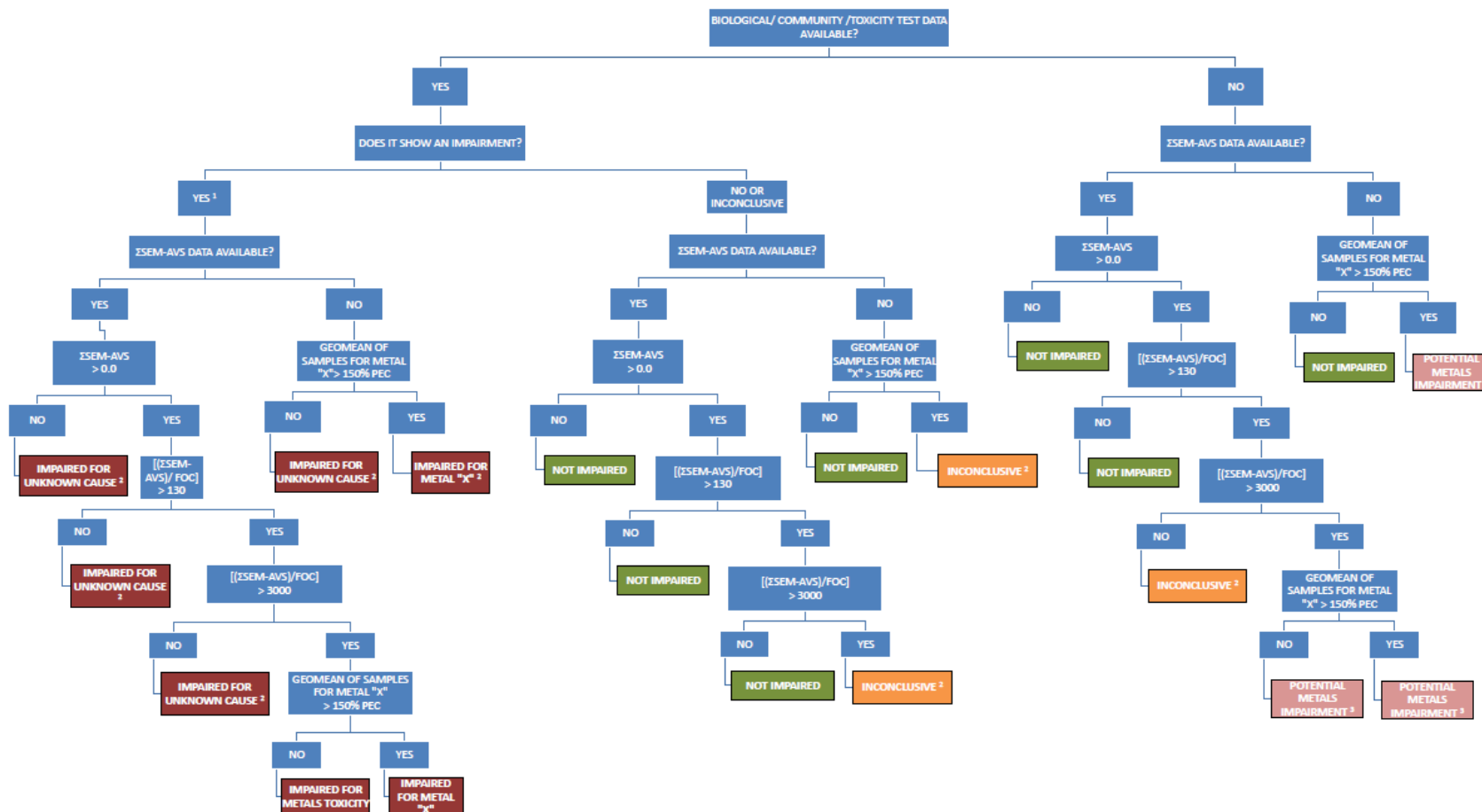
			Determining when waters are impaired			Determining when waters are no longer impaired			Notes
Designated Use	Analytes	Analytical Tool	Decision Rule/ Hypothesis	Criterion Used with the Decision Rule <sup>iii</sup>	Significance Level ( $\alpha$ )	Decision Rule/ Hypothesis	Criterion Used with the Decision Rule	Significance Level ( $\alpha$ )	
Whole Body Contact and Secondary	Bacteria (Numeric)	Geometric mean	Null Hypothesis: Levels of contaminants do not exceed criterion.	Reject Null Hypothesis: if the geometric mean is greater than the criterion value.	Not Applicable	Same Hypothesis	Same Criterion	Not applicable	
Irrigation & Livestock Water	Toxic chemicals (Numeric)	Hypothesis test 1-Sided confidence limit	Null Hypothesis: Levels of contaminants do not exceed criterion.	Reject Null Hypothesis if the 60% LCL is greater than the criterion value.	0.4	Same Hypothesis	Reject null hypothesis if the 60% UCL is greater than the criterion value.	Same Significance Level	
Protection of Aquatic Life	Nutrients in lakes (Numeric – Site Specific)	Hypothesis test	Null hypothesis: Criteria are not exceeded.	Reject Null Hypothesis if 60% LCL value is greater than criterion value.	0.4	Same Hypothesis	Same Criterion	Same Significance Level	<b>Hypothesis Test Note:</b> State nutrient criteria require at least four samples per year taken near the outflow point of the lake (or reservoir) between May 1 and August 31 for at least four different, not necessarily consecutive, years.
Protection of Aquatic Life	Nutrients in lakes (Numeric – Ecogregion al)	See Nutrient Implementation Plan	Methods stipulated by Nutrient Implementation Plan	Methods stipulated by Nutrient Implementation Plan	Methods stipulated by Nutrient Implementati on Plan	Same Hypothesis	Same Criterion	Same Significance Level	Nutrient Implementation Plan was developed as an additional aspect of the Lake Nutrient Criteria package submitted to EPA. This implementation plan spells out how ecoregional lake nutrient criteria will be assessed. See Appendix F for the implementation plan.

<sup>iii</sup> Where hypothesis testing is used for media other than fish tissue, for data sets with five samples or fewer, a 75 percent confidence interval around the appropriate central tendencies will be used to determine use attainment status. Use attainment will be determined as follows: (1) If the criterion value is above this interval (all values within the interval are in conformance with the criterion), rate as unimpaired; (2) If the criterion value falls within this interval, rate as unimpaired and place in Category 2B or 3B; (3) If the criterion value is below this interval (all values within the interval are not in conformance with the criterion), rate as impaired. For fish tissue, this procedure will be used with the following changes: (1) it will apply only to sample sizes of less than four and, (2) a 50% confidence interval will be used in place of the 75% confidence interval.

## Appendix E

### PICTORIAL REPRESENTATIONS OF THE WEIGHT OF EVIDENCE PROCEDURE FOR JUDGING TOXICITY OF SEDIMENT DUE TO METALS AND PAHS

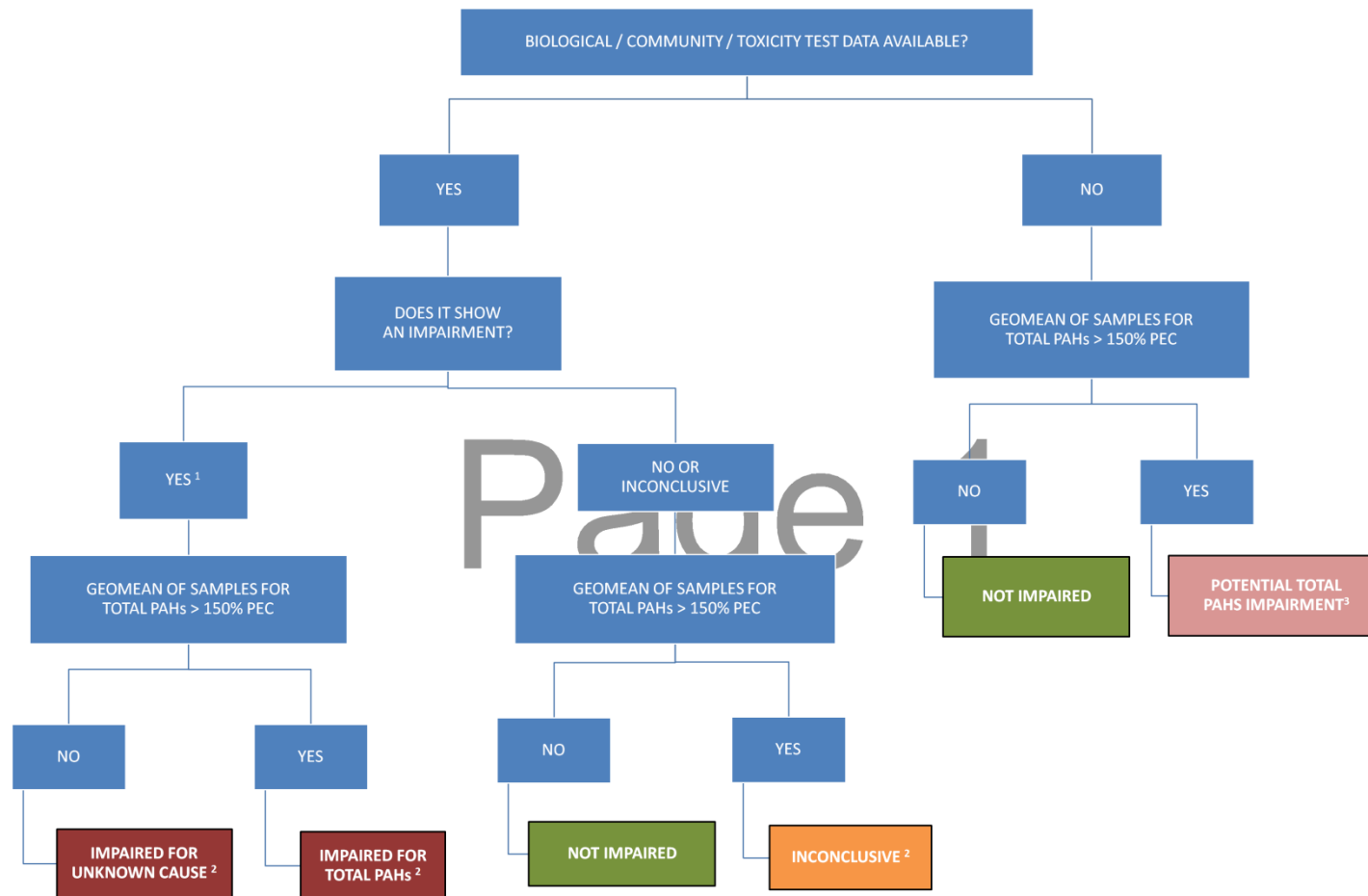
**Biological Weight of Evidence Decision Chart - Sediment Toxicity (Metals)**



**Notes:**

- 1 - If there are Numeric WQS violations (unrelated to sediment) then follow LMD Procedure in LMD Appendix B. **Do Not Continue.**
- 2 - Note waterbody for further investigation related to metals or habitat issues.
- 3 - Note waterbody for Biological Sampling.

**Biological Weight of Evidence Decision Chart - Sediment Toxicity (PAHs)**



**Notes:**

1 - If there are Numeric WQS violations (unrelated to sediment) then follow LMD Procedure in LMD Appendix B. Do Not Continue.

2 - Note waterbody for further investigation.

3 - Note waterbody for Biological Sampling.

**Appendix F**

**NUTRIENT CRITERIA IMPLEMENTATION PLAN**



# Nutrient Criteria Implementation Plan

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July 27, 2018

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## **Purpose**

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Section 304(a) of the federal Clean Water Act provides the framework for states to develop Water Quality Standards (WQS) that protect the physical, chemical, and biological integrity of their waters. The Missouri Department of Natural Resources (Department) is fully delegated by the US Environmental Protection Agency (EPA) to conduct WQS revisions pursuant to the federal Clean Water Act. Changes to Missouri's WQS [10 Code of State Regulations (CSR) 20-7.031] were published on March 31, 2018. One major revision to the WQS is the incorporation of numeric nutrient criteria for lakes.

This plan describes how the Department intends to implement nutrient criteria in accordance with the newly revised WQS. This plan does not prohibit establishing alternative methods of analysis, permit limits, or requirements provided that the alternatives are technically sound, consistent with state and federal regulations, and are protective of water quality. All permitting will be consistent with federal and state requirements.

## **Background**

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Eutrophication is the process by which a body of water becomes enriched in nutrients, such as nitrogen and phosphorus, which stimulate the excessive growth of algae and other plants. Eutrophication may be accelerated by human activities. It is well documented that enrichment of nutrients can lead to increased production of algae and aquatic plants in freshwater systems. This increased production may result in nonattainment of beneficial uses under certain environmental conditions. Aquatic life protection uses can be negatively impacted by excess nutrient loading, which may increase the likelihood of fish kills caused by the depletion of dissolved oxygen (DO). Aquatic diversity can be undermined by creating conditions favorable to fast-growing species, such as carp and other benthivores, at the expense of other species (Edgerton and Downing, 2004).

The Department utilizes regulatory and incentive-based approaches to ensure excessive nutrients do not impair or degrade beneficial uses. Regulatory approaches such as nutrient effluent limitations and nutrient WQS are implemented by the Department's Water Protection Program. Incentive-based approaches to nutrient reduction through education, outreach, and the execution of best management practices are implemented by the Department's Soil and Water Conservation Program using federal and state funds.

# Missouri's Nutrient Criteria

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## Missouri Lakes and Reservoirs

For the purposes of Missouri's nutrient criteria and this document, all lakes and reservoirs are referred to as "lakes" [10 CSR 20-7.031(5)(N)1.A.]. Missouri's lakes are more appropriately classified as impoundments and have very different physical, chemical, and biological characteristics when compared to naturally-formed glacial or mountainous lakes found in other states. Many of Missouri's major lakes were constructed primarily for flood control, hydroelectric power, and water supply. The riverine habitats and species that existed before impoundment over time transitioned into the current state of aquatic life dominated by self-sustaining populations of sport and non-sport fishes. The numeric nutrient criteria and implementation methods proposed by the Department are structured to ensure the deleterious impacts of nutrient enrichment to Missouri's lakes are mitigated without adverse impacts to the health and vitality of the self-sustaining populations of aquatic life that live there.

Missouri's nutrient criteria apply to all lakes that are waters of the state and have an area of at least ten (10) acres during normal pool condition, except the natural lakes (oxbows) in the Big River Floodplain ecoregion [10 CSR 20-7.031(5)(N)2.]. The criteria apply to, and assessments will be conducted for, the entire water body as found in Missouri's WQS regulation. As noted in the *Rationale for Missouri Lake Nutrient Criteria* (DNR, 2017), the Department has structured Missouri's nutrient criteria as a decision framework that applies at an ecoregional basis. This decision framework integrates causal and response parameters into one water quality standard that accounts for uncertainty in linkages between causal and response parameters. The decision framework includes response impairment thresholds, nutrient screening thresholds, and response assessment endpoints. This framework appropriately integrates causal and response parameters and is based on the bioconfirmation guiding principles that EPA (2013) has suggested as an approach for developing nutrient criteria.

## Numeric Criteria for Lakes [10 CSR 20-7.031(5)(N)]

Missouri's WQS contain response impairment threshold values for chlorophyll-a (Chl-a) and screening threshold values for total nitrogen (TN), total phosphorus (TP), and Chl-a, all of which vary by the dominant watershed ecoregion. Lakes are determined to be impaired if the geometric mean of samples taken between May and September in a calendar year exceeds the Chl-a response impairment threshold value more than once in three years' time. A duration of three or more years is necessary to account for natural variations in nutrient levels due to climatic variability (Jones and Knowlton, 2005). If a lake exceeds a screening threshold value, it will be designated as impaired if any of five response assessment endpoints also are identified in the same calendar year.

Lake Ecoregion	Chl-a Response Impairment Thresholds (µg/L)	Nutrient Screening Thresholds (µg/L)		
		TP	TN	Chl-a
Plains	30	49	843	18
Ozark Boarder	22	40	733	13
Ozark Highland	15	16	401	6

The five response assessment endpoints are:

- Occurrence of eutrophication-related mortality or morbidity events for fish and other aquatic organisms
- Epilimnetic excursions from dissolved oxygen or pH criteria
- Cyanobacteria counts in excess of 100,000 cells/mL
- Observed shifts in aquatic diversity attributed to eutrophication
- Excessive levels of mineral turbidity that consistently limit algal productivity during the period of May 1 – September 30

All scientific references used for numeric nutrient criteria derivation are contained in the *Rationale for Missouri Lake Nutrient Criteria* (DNR, 2017) and supplemental materials maintained by the Department. The Department maintains a copy of these references and makes them available to the public for inspection and copying at no more than the actual cost of reproduction.

#### **Narrative Criteria [10 CSR 20-7.031(4)]**

Missouri's WQS contain general (narrative) water quality criteria that are used to protect waters from nutrient enrichment caused by excessive nitrogen and/or phosphorous loading. Missouri's general criteria protect waters from "unsightly or harmful bottom deposits" and "unsightly color or turbidity," which are potential consequences of excess nutrients in freshwater systems. Narrative criteria do not provide numeric thresholds or concentrations above which impacts to designated uses are likely to occur. However, because the bioconfirmation approach integrates causal and response variables to ensure attainment of the aquatic habitat protection use, the proposed numeric nutrient criteria and screening thresholds serve as an enforceable interpretation of Missouri's general criteria at 10 CSR 20-7.031(4). Additionally, implementation of the numeric nutrient criteria and screening thresholds also will ensure protection of downstream waters as required by 10 CSR 20-7.031(4)(E) and 40 CFR 131.10(b).

#### **Site-Specific Numeric Criteria [10 CSR 20-7.031(5)(N)]**

Missouri's WQS also contain numeric nutrient criteria for specific lakes. Each of the lakes listed in Table N of the WQS have site-specific criteria for TN, TP, and Chl-a, based on the annual geometric mean of a minimum of three years of data and characteristics of the lake. Additional site-specific criteria may be developed to account for the unique characteristics of a water body.

# Part I. Monitoring and Assessment

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## Monitoring Efforts

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The Department currently has data on approximately 12% of Missouri lakes, representing 83% of lake acres. Based on past resources and progress, the Department expects to have data on most lakes that are subject to the WQS within ten years. The Department will prioritize data collection on lakes without sufficient data by identifying relevant bodies of water that, because of location or activity, are most likely to have an impairment or are most vulnerable to the impacts of nutrients. Missouri has identified this gap (GAP 5.2) in our Monitoring Strategy Document found at <https://dnr.mo.gov/env/wpp/waterquality/303d/docs/2015-monitoring-strategy-final.pdf>. The Department coordinates with EPA to update the Monitoring Strategy Document every five years.

The Department has a cooperative agreement with the University of Missouri (MU) to collect data on lakes statewide. This cooperative agreement utilizes Section 319 funds, as well as match funds from MU, to collect data sufficient to characterize and assess lake water quality in accordance with Sections 303(d) and 305(b) of the federal Clean Water Act. MU operates two programs that are funded through the cooperative agreement: 1) the Statewide Lake Assessment Program, and 2) the Lakes of Missouri Volunteer Program. MU has been collecting and analyzing data on lakes throughout the state since 1989.

As part of the cooperative agreement, these programs submit, and the Department approves, Quality Assurance Project Plans (QAPPs) that detail the following:

- Parameters – data to be collected
- Sampling Methods – how the data are collected
- Personnel – who collects the data
- Analytical Methods – how the data are analyzed
- Laboratory – who analyzes the data
- Quality Assurance Review – who quality assures the data
- Reporting – to whom the data are reported

### **Lakes of Missouri Volunteer Program (LMVP)**

The LMVP identifies volunteers to assist MU in collecting information on lakes across Missouri. Volunteers are trained by MU staff and follow the approved protocols in the QAPP. The samples collected are analyzed by the MU laboratory. Volunteer data are checked through MU audits to ensure their data are of the same quality as data collected by MU staff. These data typically are collected 4-8 times per year from April through September.

The samples collected by LMVP volunteers are analyzed for:

- Total Nitrogen
- Total Phosphorus
- Total Chlorophyll
- Chlorophyll-a
- Pheophytin-a
- Inorganic Suspended Solids
- Organic Suspended Solids
- Total Suspended Solids
- Microcystin
- Cylindrospermopsin

\*Water temperature and Secchi depth also are recorded with each sample.

### **Statewide Lake Assessment Program (SLAP)**

The SLAP is composed of MU staff who collect water samples, as well as depth profiles, on lakes across the state.

The samples collected by SLAP staff are analyzed for:

- Total Nitrogen
- Total Phosphorus
- Total Chlorophyll
- Chlorophyll-a
- Pheophytin-a
- Inorganic Suspended Solids
- Organic Suspended Solids
- Total Suspended Solids
- Microcystin\*
- Cylindrospermopsin\*
- Anatoxin-a\*
- Saxitoxin\*

\*Algal toxins started in summer of 2018.

The depth profiles consist of a composite sample of the epilimnion and include continuous sonde measurements for:

- Depth
- Temperature
- Dissolved Oxygen % Saturation
- Dissolved Oxygen Concentration
- Conductivity
- pH
- Turbidity
- Phycocyanins
- Chlorophyll
- Oxidizing/Reducing Potential

In addition to these parameters, in 2018 MU will begin collecting light-availability data through the use of a Li-Cor quantum sensor. Data collected with this equipment consist of light attenuation and photosynthetically active radiation (PAR).

The SLAP collects long-term data on 38 lakes throughout the state to assess water quality and to conduct long-term trend analysis. The SLAP also collects data on approximately 40 lakes which can be rotated every 3-4 years. Starting in 2019, the Department will work with the SLAP to expand monitoring or add priority lakes for additional data collection needs. See Assessment Methodology Section for identification of priorities during assessment.

## Data Requirements for Assessment

In order to assess a lake against the numeric nutrient criteria in 10 CSR 20-7.031(5)(N), the following data requirements must be met:

1. At least four samples collected between May 1 and September 30 under representative conditions;
2. Each sample must have been analyzed for at least Chl-a, TN, TP, and Secchi depth;
3. At least three years of samples (years do not have to be consecutive). Data older than seven years will not be considered, consistent with the Department's Listing Methodology (see Appendix B);
4. Data collected under a QAPP.

If these requirements are not met, the lake will be placed into Category 3 of Missouri's Integrated Water Quality Report (i.e., Missouri's 305(b) Report) until further information can be collected. In the case of lakes that have some data, but not enough to make an assessment, these lakes will be prioritized for additional sampling. Lakes with limited data where water quality trends or field observations point to possible impairment will receive the highest priority.

## Criteria for Assessment

Each lake will be evaluated against the appropriate ecoregional or site-specific criteria located in Tables L, M, and N of 10 CSR 20-7.031 (reproduced below).

**Table L: Lake Ecoregion Chl-a Response Impairment Threshold Values (µg/L)**

Lake Ecoregion	Chl-a Response Impairment Thresholds
Plains	30
Ozark Border	22
Ozark Highland	15

**Table M: Lake Ecoregion Nutrient Screening Threshold Values (µg/L)**

Lake Ecoregion	Nutrient Screening Thresholds		
	TP	TN	Chl-a
Plains	49	843	18
Ozark Border	40	733	13
Ozark Highland	16	401	6

**Table N: Site-Specific Nutrient Criteria**

Lake Ecoregion	Lake	County	Site-Specific Criteria (µg/L)		
			TP	TN	Chl-a
Plains	Bowling Green Lake	Pike	21	502	6.5
	Bowling Green Lake (old)	Pike	31	506	5
	Forest Lake	Adair	21	412	4.3
	Fox Valley Lake	Clark	17	581	6.3
	Hazel Creek Lake	Adair	27	616	6.9
	Lincoln Lake – Cuivre River State Park	Lincoln	16	413	4.3
	Marie, Lake	Mercer	14	444	3.6
	Nehai Tonkaia Lake	Chariton	15	418	2.7
	Viking, Lake	Daviess	25	509	7.8
	Waukomis Lake	Platte	25	553	11
	Weatherby Lake	Platte	16	363	5.1
Ozark Border	Goose Creek Lake	St Francois	12	383	3.2
	Wauwanoka, Lake	Jefferson	12	384	6.1
Ozark Highland	Clearwater Lake	Wayne-Reynolds	13	220	2.6
	Council Bluff Lake	Iron	7	229	2.1
	Crane Lake	Iron	9	240	2.6
	Fourche Lake	Ripley	9	236	2.1
	Loggers Lake	Shannon	9	200	2.6
	Lower Taum Sauk Lake	Reynolds	9	203	2.6
	Noblett Lake	Douglas	9	211	2
	St. Joe State Park Lakes	St Francois	9	253	2
	Sunnen Lake	Washington	9	274	2.6
	Table Rock Lake	Stone	9	253	2.6
	Terre du Lac Lakes	St Francois	9	284	1.7
	Timberline Lakes	St Francois	8	276	1.5

## Assessment Methodology

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The Department requests and actively seeks out readily available data on all waters within the state. These data are reviewed for proper quality assurance and quality control measures, and then the data are compiled by the Department into Missouri's Water Quality Assessment database.

Every two years, the Department assesses the designated uses of all waters protected by 10 CSR 20-7.031. Once assessments have been completed, the Department creates spreadsheets of data for all impaired (303(d) List) and delisted waters. The Department then places the spreadsheets, as well as the list of impaired waters, on the Department's website for a 90-day public notice period. After the public notice period ends, the Department responds to any public comments and makes any applicable changes to the spreadsheets or the list of impaired waters. The Department then asks the Missouri Clean Water Commission to approve the impaired waters list. After the Commission's approval, the Department submits all of the information used in the assessment decision process to EPA for approval.

### 1. Site-Specific Lake Nutrient Criteria

Lakes with site-specific numeric nutrient criteria (see Table N of 10 CSR 20-7.031) will be assessed using the current listing methodology. Missouri has a state regulation, 10 CSR 20-7.050, which requires a methodology be created and followed for the development of an impaired waters list. Missouri develops and provides public notice of the methodology every two years concurrently with the 303(d) List. The methodology is approved by the Missouri Clean Water Commission before the Department can use it for assessments. The Department currently assesses against the existing site-specific lake nutrient criteria in the water quality standards (now Table N of 10 CSR 20-7.031). See the Department's 2020 Listing Methodology in Appendix B for details. Table 1 below shows the current list of impaired lakes assessed according to the site-specific criteria.

**Table 1. List of Impaired Lakes with Site-Specific Criteria**

<b>Year</b>	<b>WBID</b>	<b>Waterbody</b>	<b>WB Size</b>	<b>Units</b>	<b>IU</b>	<b>Pollutant</b>
2014	7003	Bowling Green Lake - Old	7	Acres	AQL	Chl-a
2012	7003	Bowling Green Lake - Old	7	Acres	AQL	TN
2012	7003	Bowling Green Lake - Old	7	Acres	AQL	TP
2014	7326	Clearwater Lake	1635	Acres	AQL	Chl-a
2016	7326	Clearwater Lake	1635	Acres	AQL	TP
2016	7334	Crane Lake	109	Acres	AQL	Chl-a
2016	7334	Crane Lake	109	Acres	AQL	TP
2010	7151	Forest Lake	580	Acres	AQL	Chl-a
2010	7151	Forest Lake	580	Acres	AQL	TN
2010	7151	Forest Lake	580	Acres	AQL	TP
2018	7324	Fourche Lake	49	Acres	AQL	Chl-a
2018	7324	Fourche Lake	49	Acres	AQL	TN
2014	7008	Fox Valley Lake	89	Acres	AQL	Chl-a
2014	7008	Fox Valley Lake	89	Acres	AQL	TN
2010	7008	Fox Valley Lake	89	Acres	AQL	TP
2010	7152	Hazel Creek Lake	453	Acres	AQL	Chl-a
2018	7152	Hazel Creek Lake	453	Acres	AQL	TN
2018	7049	Lake Lincoln	88	Acres	AQL	Chl-a
2018	7301	Monsanto Lake	18	Acres	AQL	Chl-a
2016	7301	Monsanto Lake	18	Acres	AQL	TN
2018	7301	Monsanto Lake	18	Acres	AQL	TP
2014	7316	Noblett Lake	26	Acres	AQL	Chl-a
2014	7316	Noblett Lake	26	Acres	AQL	TP
2002	7313	Table Rock Lake	41747	Acres	AQL	Chl-a
2002	7313	Table Rock Lake	41747	Acres	AQL	TN
2012	7071	Weatherby Lake	185	Acres	AQL	Chl-a
2010	7071	Weatherby Lake	185	Acres	AQL	TN
2014	7071	Weatherby Lake	185	Acres	AQL	TP

## 2. Ecoregional Lake Nutrient Criteria

Lakes with ecoregional nutrient criteria (see Tables L and M of 10 CSR 20-7.031) will be assessed using the following methodology:

- a. For lakes with ecoregional criteria, a yearly geometric mean for Chl-a, TN, and TP will be calculated for the period of record. The latest three years (do not have to be consecutive) of data will be used for assessment. These data are collected by the SLAP and the LMVP.
- b. If the geometric mean of Chl-a exceeds the response impairment threshold in more than one of the latest three years of available data, the lake will be placed into Category 5 of Missouri's Integrated Report (IR) and go on the 303(d) List for Chl-a. If only two years of data are available and the geometric mean of Chl-a exceeds the response impairment threshold in both years, the lake will be placed into Category 5 of Missouri's IR and go on the 303(d) List for Chl-a.

- c. If the geometric mean of Chl-a, TN, or TP exceeds the nutrient screening threshold, then additional response assessment endpoints will be evaluated (see Assessment Methodology Section #3 “Additional Lake Response Assessment Endpoints” below). If data for any of the response assessment endpoints indicates impairment in the same year that Chl-a, TN, or TP exceeds the nutrient screening threshold, the lake will be placed into Category 5 of Missouri’s IR. If sufficient data are not available to assess the response assessment endpoints or they do not show impairment, then the water will be placed into Category 3B or 2B, respectively (assuming other uses are attaining) and prioritized for additional monitoring and ongoing evaluation of response assessment endpoints (see Monitoring Efforts Section). If a lake that is sampled in the LMVP is placed in Category 3B or 2B, then it may be moved to the SLAP to ensure all nutrient screening threshold data needed to complete a full assessment are available. The Department is committed to providing the data needed to complete the full assessment.
- d. If the geometric mean of Chl-a, TN, or TP does not exceed the nutrient screening threshold, the water will be placed into the appropriate IR category based on the attainment of the other uses.
- e. The period of record for the lake will be reviewed for the purpose of determining long-term trends in water quality. If a lake is determined to be trending towards potential impairment, the lake will be further scrutinized and prioritized for additional monitoring (see Monitoring Efforts and Trend Analysis Sections).
- f. The Department’s Listing Methodology Document will be updated to reflect the methodology outlined in this implementation plan as soon as possible after EPA approval of the ecoregional lake nutrient criteria.

### 3. Additional Lake Response Assessment Endpoints

For lakes where the geometric mean of Chl-a, TN, or TP exceeds the ecoregional nutrient screening thresholds, the additional response assessment endpoints listed below will be evaluated. Each of these endpoints is linked to the protection of the aquatic habitat designated use and will be used to assess compliance with the numeric nutrient criteria when screening values are exceeded. When one of these endpoints indicate a eutrophication impact in the same year as a nutrient screening threshold exceedance, the lake will be placed into Category 5 and on the 303(d) List.

Response assessment endpoints observed in lakes without sufficient data for Chl-a, TP, or TN will be prioritized highest for additional sampling of Chl-a, TP, and TN.

- a. 10 CSR 20-7.031(5)(N)6.A. – Occurrence of eutrophication-related mortality or morbidity events for fish and other aquatic organisms (i.e., fish kills)
  - Following the Department’s Listing Methodology Document (see Appendix B), two or more fish kills within the last three years of available data will result in the water being placed into Category 5 as well as the 303(d) List.

- Fish kills as a result of nutrient enrichment (eutrophication) in a lake indicate that current water quality may not be protective of the aquatic habitat designated use. The Department maintains contact with the Missouri Department of Conservation (MDC) on fish kills that occur throughout the state. MDC, as well as the Department's Environmental Emergency Response and Water Protection Program, receive notifications of observed fish kills. MDC investigates all reported fish kills and provides a summary report of the species, size, and number of fish and other aquatic organisms killed. These reports are provided shortly after the investigation. Annual fish kill reports are compiled and provided to the Department.

One such example of a fish kill annual report is MDC's Missouri Pollution and Fish Kill Investigations 2017 (published April 2018). The Department will continue to request these data and annual reports from MDC. This document includes fish kill data and causes as well as describes the methods used by MDC to assess fish kills.

- The Department will review reports for information pertaining to the cause of death as well as the potential sources. Fish populations can have seemingly random small die-offs related to disease, virus, or other natural causes. The Department will focus on die-offs related to dissolved oxygen, temperature, pH, algal blooms, and the toxins associated with algal blooms. More than one fish kill within ten years or one large (>100 fish and covering more than ten percent of the lake area) fish kill documented to be caused by dissolved oxygen excursions, pH, algal blooms, or the toxins associated with algal blooms will constitute evidence of impairment.

b. 10 CSR 20-7.031(5)(N)6.B. – Epilimnetic excursions from dissolved oxygen or pH criteria

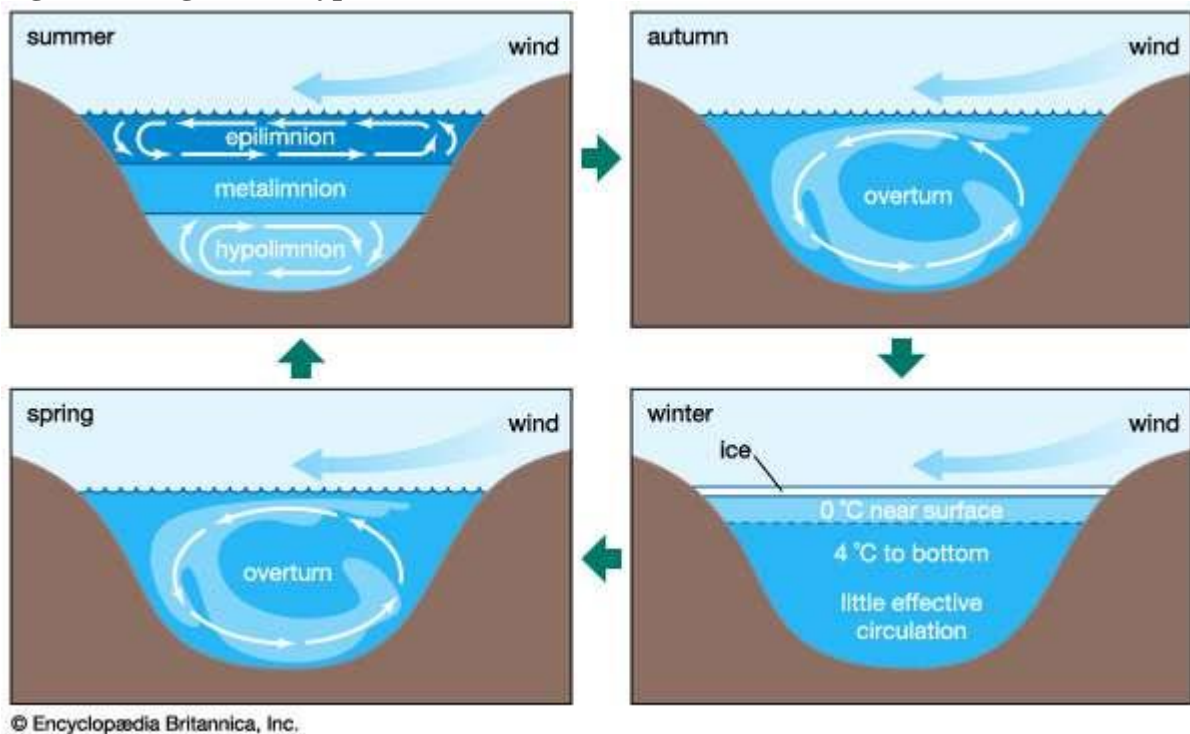
In lakes, DO is produced by atmospheric reaeration and the photosynthetic activity of aquatic plants and consumed through respiration. DO production by aquatic plants (primarily phytoplankton in Missouri reservoirs) is limited to the euphotic zone where sufficient light exists to support photosynthesis. In some lakes, reaeration and photosynthesis may be sufficient to support high DO levels throughout the water column during periods of complete mixing. Missouri lakes however, do not stay completely mixed and thermally stratify during the summer (Figure 1). The duration, depth, and areal extent of stratification in any lake is a function of site-specific lake variables and environmental factors. During the stratified period, the epilimnion (surface water layer) receives oxygen from the atmosphere and is dominated by primary production from phytoplankton and other aquatic plants. In contrast, the hypolimnion (deep, cool water zone) is largely separated from the epilimnion (surface layer) and is dominated by respiratory processes that use organic matter derived from autochthonous (in-lake) and allochthonous (watershed) sources. The strong temperature gradient between the epilimnion and hypolimnion generally restricts gas and nutrient circulation and limits the movement of phytoplankton between the layers. As a result, respiration in the hypolimnion creates hypoxic conditions during the stratification period.

Data collected by the MU demonstrates that hypoxic hypolimnetic conditions (absent of DO) consistently occur during the summer in Missouri lakes regardless of trophic

condition. Further, anoxic hypolimnetic conditions have even been measured in Missouri's high-quality oligotrophic lakes. It is apparent from the science and available data that low hypolimnetic DO conditions are the result of natural processes and should be expected in all lakes across the state. Thermal stratification and resulting anoxic hypolimnia limit the area where some more sensitive fish species thrive to the epilimnion. Assessment of DO in the epilimnion of lakes will ensure the protection of aquatic life and aquatic habitat designated use and the maintenance of a robust aquatic community. Therefore, it would be inappropriate to apply the 5.0 milligrams per liter DO criterion throughout the entire water column.

DO and pH criterion will apply only to the epilimnion during thermal stratification. DO and pH criteria will apply throughout the water column outside of thermal stratification.

**Figure 1. Diagram of Typical Lake Stratification in Missouri**



Excess nutrient input into lakes causes an increase in primary productivity of a lake. This increase in productivity comes with an increasing demand for DO through both the living and the decaying portions of aquatic life. Increased productivity also causes algal populations to have exponential growth and decay rates that can cause swings in DO concentrations. Sudden drops in DO concentrations or low levels of DO concentrations can cause fish kills.

Similar to DO, water column pH levels are linked to photosynthesis and impacted by thermal stratification. During periods of high photosynthesis, carbon dioxide (CO<sub>2</sub>) is removed from the water column and pH increases. Conversely, when respiration and decomposition is high, CO<sub>2</sub> levels increase and pH decreases. As described above, the natural temperature gradients during the summer growing season create conditions whereby the epilimnion is dominated by primary production and the hypolimnion is dominated by respiration. Therefore, the pH

levels will typically be higher in the epilimnion and lower in the hypolimnion. Because the nutrient criteria are focused on the biological response variable Chl-a, which is highest in the epilimnion in the summer, it is appropriate to limit pH assessments to the epilimnion.

Excessive algal production can cause the pH of the epilimnion to rise above 9.0 in some cases. When pH falls outside of this range due to algal blooms and their eventual decomposition, aquatic life which requires a stable range of pH conditions to survive can suffer. As mentioned for dissolved oxygen, assessment of pH in the epilimnion of lakes against WQS will ensure the protection of aquatic life and the aquatic habitat designated use, and the maintenance of a robust aquatic community.

- At the time of sample collection, DO, water temperature, and pH will be measured near the surface as well as via sonde probe throughout the depth of the epilimnion (water surface to the thermocline). The sonde probe continuously collects data for a short period of time as it is lowered through the water column. This data is currently collected by the SLAP.
  - Following the Listing Methodology Document procedure for DO: If more than 10% of the measurements are below the 5.0 mg/L minimum to protect aquatic life, the binomial probability will be used for to determine whether the criterion has been exceeded.
  - Following the Listing Methodology Document procedure for pH: If more than 10% of the measurements are outside the 6.5 to 9.0 range to protect aquatic life, the binomial probability will be used to determine whether the criterion has been exceeded.
- c. 10 CSR 20-7.031(5)(N)6.C. – Cyanobacteria counts in excess of one hundred thousand (100,000) cells per milliliter (cells/mL)

Cell counts of cyanobacteria (blue-green algae) greater than 100,000 can be indicative of a harmful algal bloom (HAB) and the increased probability of algal toxins in the lake. Certain species of blue-green algae can produce toxins harmful to both aquatic life and terrestrial life (including humans and pets). *Microcystis* can produce microcystin (liver toxin) and anatoxin-a (neurotoxin). *Dolichospermum*, in addition to producing microcystin and anatoxin-a, also can produce cylindrospermopsin (liver toxin) and saxitoxin (nerve toxin). These toxins can cause adverse effects on aquatic life, as well as humans recreating on surface waters. The Oregon Health Authority has developed recreational guidelines for issuing public health advisories in relation to algal toxins (Oregon Health Authority, 2018). Until EPA develops Section 304(a) criteria for algal toxins, the values contained in the Oregon Health Authority document will serve as a surrogate indicator that Section 101(a) uses (i.e., aquatic habitat protection and recreational uses) are not being met. Direct measurement of cyanobacteria cell counts is limited and currently prohibitively expensive. Until this method becomes more widely adopted or technology improves to reduce the cost, the Department will collect data on algal toxin concentrations as a surrogate indicator for cyanobacteria counts.

- Cyanobacteria counts greater than 100,000 cells/mL suggest the presence and impact of a HAB in the water body. HABs and the algal toxins they produce pose a threat to the aquatic habitat protection and recreational designated uses (Oregon Health Authority, 2018). This data may be collected by agencies or county governments and, when available, the Department will request and use this information. The cyanobacteria cell count is based on the threat of unacceptable levels of algal toxins, which are currently being collected by the SLAP and the LMVP.
- Any algal toxin values exceeding the following thresholds during the same year one of the nutrient screening levels was exceeded will constitute evidence of impairment. Two of these toxins currently are collected by the SLAP and the LMVP. The SLAP will begin collecting all four in 2018.

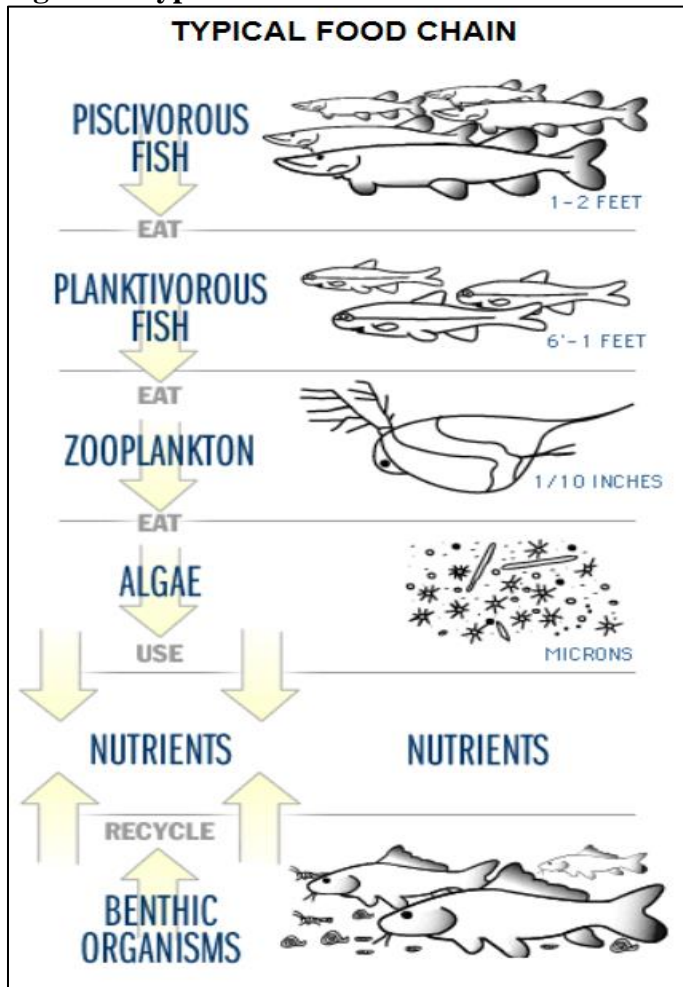
Microcystin	4.0 µg/L
Cylindospermopsin	8.0 µg/L
Anatoxin-a	8.0 µg/L
Saxitoxin	4.0 µg/L

These toxin levels are associated with a total toxigenic algal species cell count greater than or equal to 100,000 cells/mL. They also are associated with an algal cell count of greater than or equal to 40,000 cells/mL of Microcystis or Planktothrix species.

- d. 10 CSR 20-7.031(5)(N)6.D. – Observed shifts in aquatic diversity attributed to eutrophication

The health of an ecosystem can be assessed by looking at different aspects, one of which is the food web or chain (Figure 2). Chemical measurements can be taken to assess the nutrients and chlorophyll (as a surrogate for algae). Relative abundances of fish at the various levels of the food chain can be surveyed to see if it is in balance. High nutrient inputs along with high levels of suspended solids can cause a decrease in the number of sight-feeding predators and an increase in the number of the prey that the predators are unable to catch. More numerous prey put a strain on the resources available, resulting in smaller prey and smaller, less numerous predators. This imbalance in the number and/or size of fish, or a shift to less sight-feeding fish in favor of bottom-feeding fish such as carp, due to eutrophication is a cause for concern.

**Figure 2. Typical Food Chain in Missouri Lakes**



<http://www.lakeaccess.org>

As the state agency responsible for the protection and management of fish, forest, and wildlife resources, MDC regularly monitors populations of primary sport fishes (black bass, crappie, catfish) in major reservoirs (typically annually) to ensure the agency has appropriate regulations in place to manage these fish populations for today and into the future. These populations of piscivorous (i.e., fish eating) sport fish, and the many planktivorous (i.e., plankton eating) non-sport fish that are their prey, are self-sustaining in Missouri's major reservoirs. Correspondence with MDC Fisheries Division confirms the agency does not conduct supplemental stocking for primary sport fishes (i.e., apex predators), nor does the agency conduct supplemental stocking of non-sport fish lower down the food chain (MDC, 2018).

Although MDC does not stock the primary sport and non-sport fishes noted above, MDC does stock additional fish species to provide a "bonus" or "specialty" sport fishing opportunity. Species included in the bonus or specialty fishing opportunities include (but are not limited to) paddlefish, rainbow trout, brown trout, striped bass, hybrid striped bass, walleye, and muskellunge. Many of these fish species are non-native and would not be capable of reproducing or sustaining populations in Missouri lakes.

MDC uses various sampling techniques including electrofishing, netting, creel surveys, and angler surveys to collect information related to fish populations and angler satisfaction over time. These data help to inform MDC's regulations for the capture of fish within Missouri lakes to ensure self-sustaining populations of sport- and non-sport fishes. The Department, in consultation with MDC, will use these data to determine whether shifts in aquatic diversity attributed to eutrophication are occurring in a lake. These data are contained within MDC's Fisheries Information Network System (FINS) and annual reports of fish stocking activities such as the "Fish Stocking for Public Fishing and Aquatic Resource Education." In support of this approach, the last eight calendar year reports (CY 2010 – 2017) generated by MDC and supporting data have been included with this submittal.

- The Department will request any available information on the potential biological shifts in fish or invertebrate communities related to eutrophication. This includes data from other agencies (such as the U.S. Fish and Wildlife Service) that monitor the populations of game fish.
  - The MDC regularly monitors fish populations of primary sport fishes (black bass, crappie, and catfish) in major reservoirs (typically annually) to ensure the agency has appropriate regulations in place to manage these fish populations for today and into the future. These populations of sport-fish, and the non-sportfish that are their prey, are self-sustaining in Missouri's major reservoirs.
  - The MDC uses various sampling techniques including electrofishing, netting, creel surveys, and angler surveys to collect information related to fish populations and angler satisfaction over time. These data in consultation with MDC will be used to determine whether shifts in aquatic diversity attributed to eutrophication are occurring in a lake.
  - The MDC produces annual fishery management reports for Missouri's major lakes and reservoirs that detail the health of the fishery and includes number of species, catch per unit effort, relative density of fish and measures of fish condition and population size structure. One such example of an annual fishery management report is the Stockton Reservoir 2017 Annual Lake Report (published March 2018). The data supporting MDC's annual fishery management reports can also be made available to the Department. The Missouri Department of Natural Resources will request these annual reports and data from MDC.
- e. 10 CSR 20-7.031(5)(N)6.E. – Excessive levels of mineral turbidity that consistently limit algal productivity during the period May 1 – September 30 (i.e., light limitations)

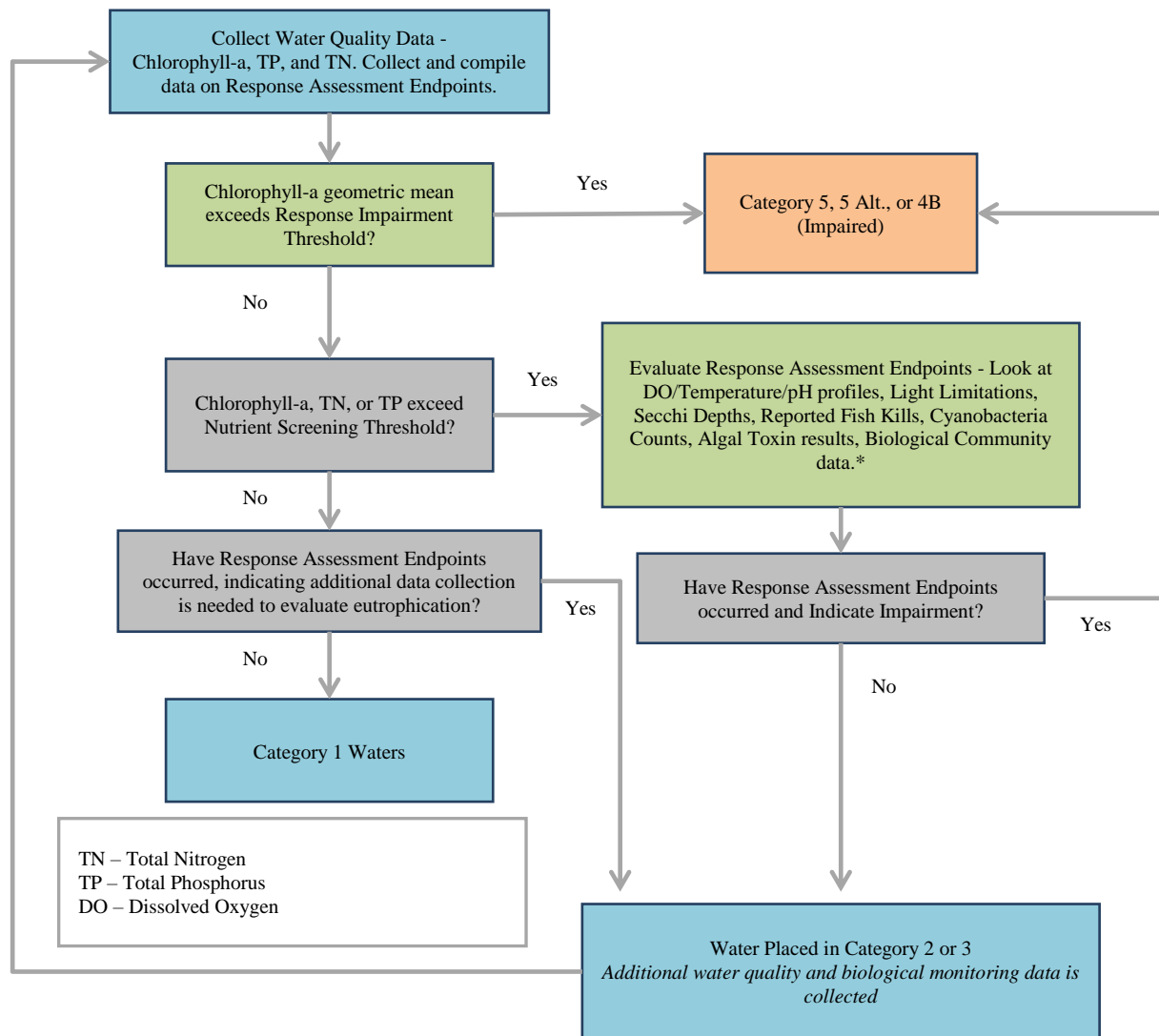
It is widely recognized that mineral turbidity reduces transparency and thereby limits algal production (Jones and Hubbart, 2011). Excessive mineral turbidity and reduced water column transparency can suppress Chl-a levels despite high levels of nutrients. Pronounced and extended turbidity events could have the effect of reducing Chl-a on an average annual basis but still allow for periodically high peaks or algal blooms after sedimentation of mineral turbidity and increased transparency. Under such conditions, waterbodies experiencing harmful algal blooms may go undetected when assessed as an

average annual geomean. The intent of this response variable is to identify such waterbodies that might otherwise go unidentified as impaired.

There are several ways to determine light availability in a lake. Some examples include: Secchi depth, light attenuation and photosynthetically active radiation (PAR), Chl-a/TP ratios, and measurements for turbidity and suspended sediments. All of these methods can provide additional information on the amount of light available in the epilimnion and how deep it penetrates into the lake. These data will be used to determine whether the lake has excess sediment in relation to nutrients for eutrophication impacts to occur.

- Excessive mineral turbidity can reduce light penetration within the photic zone of lakes and limit algal productivity due to the lack of sunlight. Water clarity can be expressed through measurements such as Secchi depth, turbidity, and suspended solids. These data are collected by the SLAP and the LMVP under a cooperative agreement with the Department.
- Measured lake Secchi depths less than 0.6 meters in the Plains, 0.7 meters in the Ozark Border, and 0.9 meters in the Ozark Highlands is likely an indicator of excessive mineral turbidity that limits algal productivity in the water body (MDC 2012). This data is collected by the SLAP and the LMVP under a cooperative agreement with the Department. Yearly average Secchi depths below the applicable ecoregional value may constitute evidence of impairment. Additional analysis of average Chl-a/TP ratios will also be conducted before determining impairment status, as described below.
- The ratio of the average Chl-a to the average TP is an additional indicator of chlorophyll suppression in lakes due to mineral turbidity. A mean Chl-a/TP ratio less than or equal to 0.15 and a mean inorganic suspended solids value greater than or equal to 10 mg/L is suggestive of excessive mineral turbidity which limits algal productivity (Jones and Hubbart, 2011). Unless attributed to other physical factors, Chl-a/TP ratios at or below 0.15 and an ISS value greater than or equal to 10 mg/L as determined by yearly means will serve as an indicator of excessive mineral turbidity and constitute evidence of impairment. Assessment threshold values for Secchi depth, Chl-a/TP ratio, and ISS shall all be exceeded before determining a water is impaired.
- The Department will use data collected using a Li-Cor quantum sensor. Data collected with this equipment consists of light attenuation and photosynthetically active radiation (PAR). Until scientific literature on this new technology can be developed, the Department will rely on best professional judgment for when the data indicate light availability is limiting algal production to the point that if there were less or no limitation then the Chl-a values would be likely to exceed the criterion. This data will be collected by the SLAP starting in 2018 under a cooperative agreement with the Department.

**Figure 3. Missouri Ecoregional Numeric Nutrient Criteria Decision Framework based on the Bioconfirmation Approach.**



## Trend Analysis

The Department currently reports on physiographic region trends in Missouri's 305(b) Report. The latest version as well as past versions can be found on Missouri's 303(d) website: <https://dnr.mo.gov/env/wpp/waterquality/303d/303d.htm>. These trends have been reported every cycle in the 305(b) Report since 1990. Trends for the physiographic regions are calculated based on at least 20 years of data. Trends are developed for Secchi depth, total phosphorus, total nitrogen, total chlorophyll, nonvolatile suspended solids, and volatile suspended solids.

The Department will evaluate individual lake trends for total phosphorus, total nitrogen, and Chl-a. Nutrients and chlorophyll can be seasonally variable, as well as wet and dry weather dependent. A minimum of ten years of data will be necessary to confidently evaluate water quality trends in Missouri lakes due to significant annual variability and differing hydrologic conditions. Longer time periods are needed for more accurate predictions of impairment.

- When evaluating trends, confounding, or exogenous variables, such as natural phenomena (e.g., rainfall, flushing rate and temperature), must be controlled for.
- The trend must be statistically significant. This process involves standard statistical modeling, such as least squares regression or Locally Weighted Scatterplot Smoothing (LOWESS) analysis. To be considered statistically significant, the p value associated with the residuals trend analysis must be less than 0.05.
- Impairment decisions based on trend analysis should, at a minimum, demonstrate that the slope of the projected trend line is expected to exceed the chlorophyll criterion within 5 years and that there is evidence of anthropogenic nutrient enrichment. If the slope of the projected trend line is expected to exceed the chlorophyll criterion in greater than 5 years, the lake will be prioritized for additional monitoring and identified as a potential project for a 319 protection plan. A list of lakes that have increasing trends of nutrients or Chl-a will be added as an appendix to Missouri's future 305(b) Reports.

The Department will look for statistically significant trends in the DO/pH profile of lakes throughout the entire water column. Areas the Department will look at may include, but are limited to: mixing volumes, mixing depths, and severity of anoxia in the hypolimnion.

## Examples of Assessments

### Example 1

Lake Girardeau is in the Ozark Border ecoregion of Missouri. The Chl-a response impairment threshold for the Ozark Border is 22µg/L. The nutrient screening thresholds for the Ozark Border are: Chl-a = 13µg/L; TP =40µg/L; and TN = 733µg/L. Lake Girardeau was sampled in 1994, 2004, 2005, 2008, and 2015. The geometric means for Chl-a, TN, and TP are in Table 2. The Chl-a geometric mean was higher than the response impairment threshold in 2015. The nutrient screening thresholds for TN and TP were also exceeded that year.

- The sample data do not show any excursions of the DO and pH criteria
- The average Secchi depths during both years of nutrient screening threshold exceedance are greater than 0.7 meters
- Chl-a/TP ratio is above 0.15 and inorganic suspended solids/nonvolatile suspended solids (ISS/NVSS) is less than or equal to 10 mg/L

There is not enough data to evaluate a trend. Therefore, Lake Girardeau would be placed into category 2B and would be placed into the high priority list for additional data collection.

**Table 2. Lake Girardeau Yearly Geometric Means**

Year	Chl-a Geomean (µg/L)	TN Geomean (µg/L)	TP Geomean (µg/L)	Avg. Secchi Depth (m)
1994		1266	68	0.6
2004	21.5	582	30	0.89
2005	10.5	541	24	1.58
2008	18.5	528	28	1.27
2015	34.2	853	40	0.87

### Example 2

Lake DiSalvo is in the Ozark Highlands ecoregion of Missouri. The Chl-a response impairment threshold for the Ozark Highlands is 15µg/L. The nutrient screening thresholds for the Ozark Highlands are: Chl-a = 6µg/L; TP =16µg/L; and TN = 401µg/L. Lake DiSalvo was sampled in 2011, 2012, 2014, 2015, and 2016. The geometric means for Chl-a, TN, and TP are in Table 3. The geometric mean for Chl-a exceeded the response impairment threshold every year since 2011.

Lake DiSalvo would be placed into category 5 and the 303(d) list for Chl-a.

**Table 3. Lake DiSalvo Yearly Geometric Means**

Year	Chl-a Geomean (µg/L)	TN Geomean (µg/L)	TP Geomean (µg/L)
2011	47.7	768	77
2012	58.7	941	107
2014	105.8	1508	119
2015	82.8	1079	82
2016	44.1	928	77

### Example 3

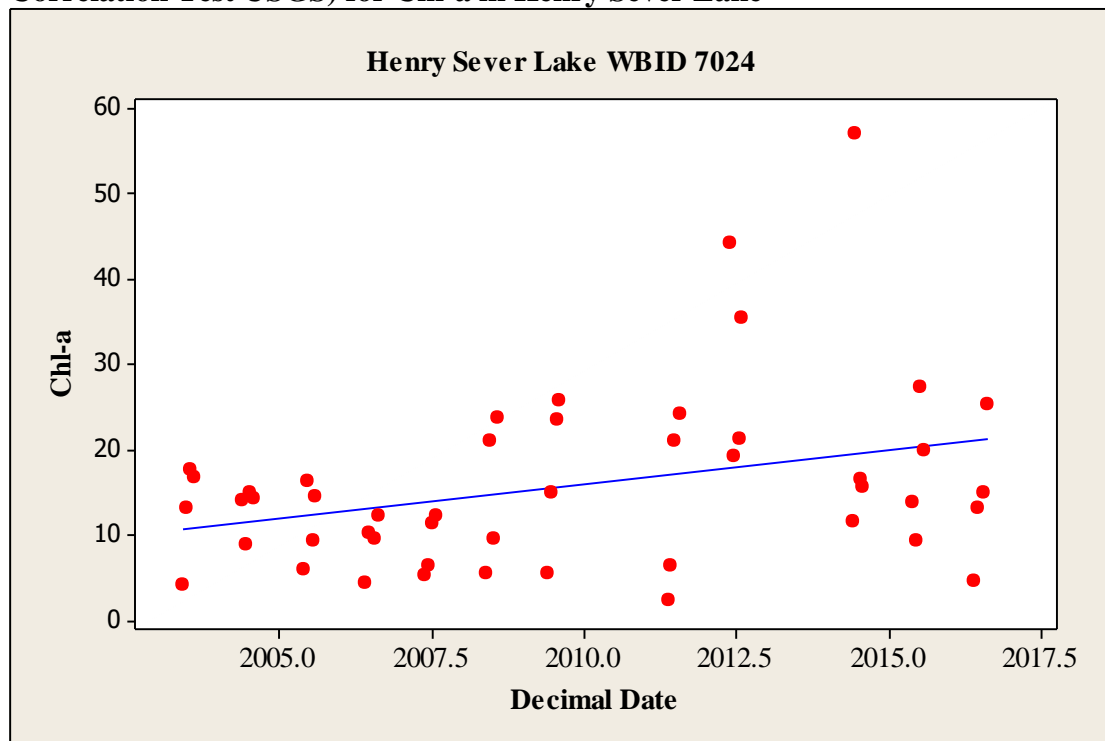
Henry Sever Lake is in the Plains ecoregion of Missouri. The Chl-a response impairment threshold for the Plains is 30µg/L. The nutrient screening thresholds for the Plains are: Chl-a = 18µg/L; TP =49µg/L; and TN = 843µg/L. Henry Sever Lake was sampled in 2011, 2012, 2014, 2015, and 2016. The geometric means for Chl-a, TN, and TP are in Table 4. The geometric mean for Chl-a did not exceed the response impairment threshold in any of these years. Some or all of the nutrient screening thresholds were exceeded in 2012 and 2014. Figure 4 shows the scatter plot, trend line, Mann-Kendall trend test and the Theil-Sen Slope for Chl-a in Henry Sever Lake.

- Half of the pH values in 2012 exceed the pH criteria. None of the DO values exceed the criteria.
- The average Secchi depth during the years of nutrient screening threshold exceedance is 1.12 meters (2012) and 1.11 (2014) meters
- Chl-a/TP ratio is above 0.15
- Mann-Kendall Trend test is significant
- Trend data (Figure 4) shows a scatter plot with a trendline. The Theil-Sen slope of 0.6223 µg/L per year shows it is estimated to reach 30 µg/L theoretically in 2034.

Therefore, Henry Sever Lake would go into category 2B and will be placed into the priority list for additional data collection.

**Table 4. Henry Sever Lake Yearly Geometric Means**

Year	Chl-a Geomean (µg/L)	TN Geomean (µg/L)	TP Geomean (µg/L)
2003	11.19	742	43
2004	12.79	966	37
2005	10.70	1079	51
2006	8.47	871	43
2007	8.22	725	66
2008	12.61	1354	75
2009	14.90	838	65
2011	9.15	957	42
2012	28.30	898	41
2014	20.28	854	49
2015	16.21	772	36
2016	12.29	737	31

**Figure 4. Scatter Plot Trend Line and Mann-Kendall Trend Test (Kendall's Tau Correlation Test USGS) for Chl-a in Henry Sever Lake**

Kendall's tau Correlation Test, US Geological Survey, 2005

Data set: Henry Sever Lake Chl-a - Mann-Kendall test, input type 4

The tau correlation coefficient is 0.222

$S = 250.0$ ,  $z = 2.213$ ,  $p = 0.0269$

The relation may be described by the equation (Theil-Sen Slope estimator):

$$Y = -1235.9 + 0.6223 * X$$

## **Total Maximum Daily Load Development for Nutrient Impaired Waters**

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The Department will address water quality impairments of the numeric nutrient criteria or violations of narrative criteria where evidence shows excess nutrients to be a cause through the development of total maximum daily loads (TMDLs). TMDL development will occur in accordance with the schedules and priority rankings required as part of the biennial submittal of the state's 303(d) list of impaired waters per federal regulations at 40 CFR 130.7(b)(4). When developing TMDL priorities of 303(d)-listed waters, the Department will also consider alternative approaches that may result in attainment of water quality standards more quickly than a TMDL.

As with all TMDLs and in accordance with federal regulations at 40 CFR 130.7(c)(1), TMDLs developed by the Department to address nutrient impairments will be written to meet water quality standards, including narrative criteria or applicable numeric nutrient criteria. TMDLs developed to meet applicable numeric nutrient criteria will consider targets appropriate for attaining chlorophyll-a response impairment thresholds with consideration given to other causal and response parameter concentrations to ensure water quality standards are met and maintained. Depending upon the nature and source of impairment, TMDLs developed to address exceedances of narrative criteria may also target site-specific or reference chlorophyll-a response thresholds or a combination of other factors to ensure water quality standards are met, such as phosphorus, pH, and dissolved oxygen. Such factors and numeric translators used for developing TMDL targets to address a narrative criteria impairment will only be applicable to water bodies for which TMDLs have been developed and approved. As required by Section 303(d)(1)(C) of the Clean Water Act and federal regulations at 40 CFR 130.7(c)(1), all TMDLs will include an implicit and/or explicit margin of safety to provide additional certainty that the calculated TMDL allocations to point and nonpoint sources of nutrients will result in attainment of water quality standards.

During the development of nutrient TMDLs, the Department will evaluate available datasets and other relevant information to determine appropriate modeling approaches for calculating loading targets and estimating existing loads. One such model to be considered is BATHTUB, which was developed by the U.S. Army Corps of Engineers, and is currently in use for nutrient TMDL development by states within EPA Regions 5 and 7 to address lake eutrophication issues. Other models may be considered depending upon complexity and data needs. Estimates of upstream nutrient loading may be calculated directly where nutrient data is available or may be estimated through models, such as the Spreadsheet Tool for Estimating Pollutant Load (STEPL).

In conjunction with TMDL development, the Department also develops supplemental implementation plans for all TMDLs. These plans provide detailed strategies and actions that will achieve the established goals and water quality targets. TMDL implementation should follow an adaptive implementation approach that makes progress towards achieving water quality goals while using new data and information to reduce uncertainty and adjust implementation activities. The Department recognizes that technical guidance and support are critical to achieving the goals of most TMDLs. While a TMDL calculates the maximum loading that an impaired water body can assimilate and still meet water quality standards, the supplemental implementation plan provides additional information regarding best management practices, funding, and potential stakeholders in the watershed. These implementation plans

serve to provide a general guide to permit writers, nonpoint source program coordinators, and other department staff, as well as soil and water conservation districts, local governments, permitted entities, regional planning commissions, watershed managers, and citizen groups for achieving the calculated wasteload and load allocations. Although not required by EPA, TMDL implementation plans will be placed on public notice and made available for public comment along with the corresponding draft TMDLs, which are made available for public review as described in the State Continuing Planning Process as required by federal regulations at 40 CFR 130.7.

## Part II. Permit Implementation

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The Department is fully delegated by EPA through Section 402(b) of the Clean Water Act to administer its National Pollutant Discharge Elimination System Permitting Program. The “Missouri’s Nutrient Criteria” section of this document describes each part of Missouri’s WQS that contain nutrient criteria. Notwithstanding, all permitting will be consistent with federal and state requirements. The following are additional regulations that the Department uses to implement point source nutrient reductions.

### **Effluent Regulation [10 CSR 20-7.015(3)]**

The Effluent Regulation requires dischargers to the Table Rock Lake watershed and Lake Taneycomo and its tributaries between Table Rock Dam and Power Site Dam to not exceed 0.5 mg/L of phosphorus as a monthly average.

Exemptions to this requirement:

- Facilities discharging to Lake Taneycomo and its tributaries between Table Rock Dam and Power Site Dam permitted prior to May 9, 1994, and with a design flow less than 22,500 gallons per day (GPD) that have not had an increase in capacity.
- Facilities discharging to the Table Rock Lake watershed permitted prior to November 30, 1999, and with a design flow less than 22,500 GPD that have not had an increase in capacity.

All dischargers to the White River basin are required to monitor for phosphorus.

### **Effluent Regulation [10 CSR 20-7.015(9)(D)7.]**

The Effluent Regulation requires facilities that typically discharge nutrients with a design flow greater than 100,000 GPD to monitor discharges for TN and TP quarterly. Soon the Department will be proposing an amendment to the regulation that would expand the monitoring requirements in various ways. First, facilities with a design flow greater than 1,000,000 GPD will be required to monitor monthly instead of quarterly. Second, instead of reporting TN, facilities will need to report nitrogen’s constituents as: total Kjeldahl nitrogen, nitrate plus nitrite, and ammonia. Third, the facility will need to monitor influent for a period of time, in addition to effluent. The Department notes that many publicly-owned treatment works have voluntarily performed nutrient sampling at greater frequencies than required in the regulation.

## **Implementing a Three-Phase Nutrient Reduction Approach**

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The following implementation procedures for point source nutrient reduction are divided into three phases: Data Collection and Analysis, Plant Optimization, and Final Effluent Limitations. The three-phase approach is applicable for facilities that discharge to a lake watershed where the new numeric nutrient criteria apply; however, there are exceptions:

- Missouri’s effluent regulation [10 CSR 20-7.015(3)] requires phosphorus effluent limitations or monitoring requirements in permits for facilities discharging to the Table Rock Lake and Lake Taneycomo watersheds. The effluent regulation supersedes the implementation procedures of this plan except in situations where this plan is more stringent.
- This plan does not impact permit limitations that were established based on site-specific nutrient criteria found in Table N of the WQS.
- Industrial facilities that discharge elevated concentrations of nutrients may require alternate implementation measures to ensure that water quality is protected.

- Facilities that discharge to impaired lake watersheds based on either new or existing nutrient criteria will follow different procedures. See the “Impaired Lakes” section for further information.

This plan does not prohibit establishing alternative methods of analysis, permit limits, or requirements provided that the alternatives are technically sound, consistent with state and federal regulations, and are protective of water quality.

### **Phase 1 – Data Collection and Analysis**

Nutrient data collection is a necessary first step for multiple reasons.

- 1) Facilities will use the data to determine current treatment capabilities regarding nutrient removal.
- 2) Permit writers will use the data in Phase 3 to determine if reasonable potential (RP) for a discharge to cause or contribute to an excursion of the nutrient criteria exists.
- 3) The data will aid the Department in conducting analyses to determine nutrient loading contributions from point sources versus nonpoint sources into lake watersheds.

The Effluent Regulation [10 CSR 20-7.015] requires facilities that typically discharge nutrients with a design flow greater than 100,000 GPD to monitor discharges for TN and TP quarterly. Currently, the Department is proposing an amendment to the regulation that would expand the monitoring requirements in various ways. First, facilities with a design flow greater than 1,000,000 GPD will be required to monitor monthly instead of quarterly. Second, instead of reporting TN, facilities will need to report nitrogen’s constituents as: total Kjeldahl nitrogen, nitrate plus nitrite, and ammonia. Third, the facility will need to monitor influent, for a period of time, in addition to effluent.

The Department will generally not require nutrient monitoring for facilities that discharge less than or equal to 100,000 GPD because it does not anticipate these discharges will contribute a significant portion to the total nutrient load in lake watersheds. The total design flow of Missouri’s domestic wastewater facilities is 1,324 million gallons per day. Facilities with a design flow greater than 100,000 GPD discharge 1,288 million gallons per day. While smaller facilities make up 82% of total facilities in number, they contribute only 3% of the total daily flow. Not only do facilities that discharge less than or equal to 100,000 GPD make up a minimal portion of the point source loading, but that contribution is made even more insignificant when considering the total nutrient load from both point and nonpoint sources. The USGS spatially referenced regression on watershed (SPARROW) attributes model provides estimates of sources of TN and TP transported from the Mississippi River Basin to the Gulf of Mexico (Robertson and Saad, 2013). At this basin scale, relative nutrient contribution from wastewater treatment plants is estimated to be only 7% of TN and 13% of TP. The Department will develop nutrient reduction requirements for facilities discharging below 100,000 GPD if localized impacts from specific small facilities are identified.

Permits for facilities that typically discharge nutrients with a design flow greater than 100,000 GPD will require monitoring of the influent and effluent for the following parameters:

- Total Phosphorus
- Total Kjeldahl Nitrogen
- Nitrate plus Nitrite
- Ammonia

Because there are existing numeric criteria for ammonia in the WQS, these facilities likely already have permit monitoring requirements and/or effluent limitations in their permits for ammonia.

**Table 5. Sampling Frequency by Design Flow**

Design flow in GPD	Sampling frequency
100,001-1,000,000	Quarterly
1,000,001 and greater	Monthly

### **Phase 2 – Voluntary Plant Optimization and Source Controls**

After permittees have completed the data collection process outlined in Phase 1, permittees and the Department will have an understanding of current treatment capabilities of the facility. Permittees can then elect to study and implement plant optimization or source control measures where they anticipate being able to reduce nutrient discharges with minimal capital and/or operational costs. This voluntary phase of plant optimization and/or source controls will provide permittees with time (up to 5 years) to take cost-effective strategies for early nutrient reductions. If permittees elect to not take advantage of this Phase, then the Department will use data collected under Phase 1 to evaluate RP and develop nutrient permit limitations, if needed.

As a part of Missouri’s Nutrient Loss Reduction Strategy, the Department will be conducting a study to determine attainable nutrient reduction values based upon various wastewater treatment technologies. This entails an analysis of point source dischargers and available discharge data to determine nutrient removal rates of different technologies throughout the state. Depending on existing treatment process design, operational adjustments can potentially increase the removal efficiency of TN without significant capital investments on plant upgrades. This approach may be more difficult for TP; however, reducing phosphorus from entering the treatment plant can be an effective strategy. These cost-effective efforts may significantly reduce point source loading in the watershed.

Permits for facilities that typically discharge nutrients with a design flow of greater than 100,000 GPD and voluntarily engage into Phase 2 will include a special condition requiring the development and implementation of a Plant Optimization Plan and a Phosphorus Minimization Plan. Because Phase 2 is voluntary, Missouri affordability statutes do not apply to these permit conditions. The Department will develop and provide the following resources to permittees:

- Operator Training Workshops – Engineering staff and water specialists will offer training opportunities to operators on practical methods of improving treatment capabilities in current operations.
- Online Resources – The Department will provide online resources including fact sheets and links to information that will aid in the development of Plant Optimization Plans and

Phosphorus Minimization Plans. Easy-to-use templates for these plans will also be provided by the Department.

- Staff Assistance – Department staff are always available to assist permittees by phone and email. Permittees may request compliance assistance visits on-line at <https://dnr.mo.gov/cav/compliance.htm>.

During Phase 2, permittees will maintain the monitoring requirements established in Phase 1. With this data, removal efficiency and phosphorus minimization efforts can be tracked throughout Phase 2. Permittees who are able to show significant improvements in treatment plant operations are more likely to be issued permits with less stringent nutrient requirements as the improvements may show that there is no RP to cause or contribute to an excursion of the nutrient criteria. With some effort, plant optimization may be a more economically viable option than costly upgrades. However, depending on treatment processes, plant optimization efforts may detrimentally impact effluent performance for other important pollutants, such as biochemical oxygen demand and ammonia. In addition, plant optimization strategies for facilities below design capacity could use (on an interim or permanent basis) reserved treatment plant capacity (e.g., basin volumes) originally designed to serve community growth. Therefore, the Department will not establish nutrient reduction baselines for future limits based upon optimized plant loading. Rather, the Department will include technology-based effluent goals in permits that support plant optimization and/or source reduction goals.

### **Phase 3 – Final Effluent Limitations**

During the third phase of the plan, final effluent limitations will be established in permits where RP exists. Chl-a data from Missouri's lakes are strongly correlated with TN and TP. However, studies show through regression models that TN accounts for less Chl-a variation compared to TP (Jones and Knowlton, 2005). This suggests that TP is the limiting nutrient in most of Missouri's lakes; therefore, phosphorus reductions made at wastewater facilities will strongly contribute to water quality improvements in lakes with elevated levels of Chl-a and TP. As a Missouri-specific demonstration, permits for facilities discharging to the Table Rock Lake and Lake Taneycomo watersheds have contained technology-based phosphorus effluent limitations for decades per Missouri's Effluent Regulation [10 CSR 20-7.015(3)]. Because of this requirement, most permittees in these areas have installed a chemical feed to their facilities' treatment processes to facilitate phosphorus removal which in turn has greatly reduced the number of algal blooms on these lakes. Water quality in these watersheds has improved since the requirements were first established, suggesting that phosphorus removal technologies from point sources are responsible for the improvement.

By Phase 1, or the voluntary Phase 2, facilities have collected and reported sufficient data for an RP determination to be made. Determining RP for a discharge to cause or contribute to an excursion of the nutrient criteria can be complicated using numeric nutrient criteria for Chl-a. Furthermore, the typical statistical analysis used by permit writers to determine RP for toxics cannot be used to determine RP for Chl-a because it is not a discharged pollutant that can be sampled from a facility's outfall. Because exceedance of the numeric Chl-a criteria is a response to excess TN and/or TP in the water body, regional correlations between nutrients and algal biomass will be used to set in-lake nutrient targets. Then, watershed modeling will be used to identify and estimate sources (both point and nonpoint sources) of TN and TP loads and quantify

the proportion of contributions from these sources into the watershed, which is necessary to make a RP determination for a specific facility.

Facilities that typically discharge nutrients with a design flow of greater than 100,000 GPD will be modeled. If watershed modeling shows that there is RP for a discharge to cause or contribute to an excursion of the Chl-a criteria, TP effluent limits (with a compliance schedule) will be established in the permit requiring the permittee to install phosphorus removal at the facility. This approach will need adjustments in situations where watershed modeling shows TN as the limiting pollutant over TP. Nutrient limits will be set to achieve in-lake nutrient targets based upon source sector contributions and within the point source sector, the relative contribution of each such source. Relative contribution should take into account early nutrient reduction actions by individual dischargers. The Department also intends to provide opportunities for watershed-based, bubble permitting to facilitate cost-effective point source nutrient reductions and compliance as well as fostering collaboration between permittees.

## Impaired Lakes

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In cases where a facility discharges to a watershed that contains a lake with nutrient impairments, supplemental procedures, in addition to those previously discussed in this plan, will be utilized. The first step is to determine if the facility's discharge is causing or contributing to the nutrient impairment. As discussed in Phase 3, watershed modeling will be used to identify the sources (both point and nonpoint) of TN and TP loads and quantify the proportion of contributions from these sources into the watershed, which is necessary to make the RP determination for specific facilities.

If, through modeling or other means, a determination is made that a particular facility *is not* causing or contributing to the impairment, then effluent limitations are not needed at that time to protect water quality. However, the permit writer may determine that nutrient monitoring is still needed to make future RP determinations.

If it is shown that the facility *is* causing or contributing to the impairment, effluent limitations will be established that are protective of water quality. This can be accomplished in several ways:

- The permit writer can establish TP effluent limitations based on the capabilities of specific treatment technologies with the supporting rationale that potential TP reductions made by the facility are protective of water quality.
- The permit writer can establish effluent limitations based on wasteload allocations identified through watershed and lake modeling based upon point source relative contribution.
- Following TMDL development, wasteload allocations will be established and permit writers will establish effluent limitations from those wasteload allocations.

Other methods of effluent limitation derivation are allowed with appropriate justification by the permit writer.

## New and Expanding Sources and Antidegradation Review Requirements

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Implementation procedures for new sources differ from those previously listed in this plan. For the purposes of this plan, “new sources” refers to new, altered, or expanding discharges of TP and/or TN. Per Missouri’s WQS [10 CSR 20-7.031(3)], for new sources, the Department will document by means of antidegradation review that the use of a water body’s available assimilative capacity is justified. Missouri’s Antidegradation Implementation Procedures provide a detailed process for conducting antidegradation reviews, which will be applicable to any new or expanding discharges of nutrients into lake watersheds. Permittees must submit an antidegradation review request to the Department prior to establishing, altering, or expanding discharges.

The following procedures for new sources are split between lakes with and without nutrient impairments.

Scenario 1: The new source requests to discharge to a watershed that contains a lake *with* a nutrient impairment. The Department will conduct watershed modeling to determine whether the facility’s discharge would cause or contribute to the nutrient impairment. Permitting decisions that fall under this scenario will be based upon a Tier 1 antidegradation review, which are designed to prohibit degradation that may cause or contribute to the impairment of a beneficial use. Increased pollutant loading is allowed as long as the discharge does not cause or contribute to the impairment.

- If the facility’s discharge is shown not to cause or contribute to the nutrient impairment, then the permit writer will establish best available technology limits for TP in the permit.
- If the facility’s discharge is shown to cause or contribute to the nutrient impairment, then the permittee will be required to utilize a more advanced level of wastewater treatment or find an alternative method of wastewater disposal.

Scenario 2: The new source requests to discharge to a watershed that contains a lake *without* a nutrient impairment. There is little need for the data collection and plant optimization conducted in Phases 1 and 2 for new facilities. Because of this, permits that fall under this scenario will include effluent limitations for TP in their initial permit based upon a Tier 2 antidegradation review.

## Potential Flexibilities for Permittees

The Department has multiple tools to aid permittees with permit compliance. As permits are renewed, permittees may find it difficult to meet new effluent limitations and requirements. Depending on the situation, each flexibility listed below offers its own set of results and benefits.

**Table 6. Regulatory Flexibilities for Permitting**

Permit Flexibility	Quick Facts
<b>Schedules of Compliance</b> <a href="#">10 CSR 20-7.015(9)(C)</a>	<ul style="list-style-type: none"> <li>• Allows permittees time to comply with newly established effluent limitations</li> <li>• Establishes yearly (or more frequent) milestones</li> <li>• Established using a cost analysis which takes into account a community's socioeconomic and financial capability status for publicly-owned treatment works</li> <li>• Must comply with 40 CFR 122.47</li> <li>• May be extended with proper justification</li> <li>• May extend beyond the permit term</li> </ul>
<b>WQS Variance</b> <a href="#">10 CSR 20-7.031(12)</a>	<ul style="list-style-type: none"> <li>• Variances are paths to improve water quality over the variance term</li> <li>• Provides permittees time to achieve incremental improvements to ultimately work toward compliance with WQS through a Pollutant Minimization Program</li> <li>• Establishes a time-limited WQS, and therefore, must be approved by the Missouri Clean Water Commission and EPA</li> </ul>
<b>Watershed-based Permits</b>	<ul style="list-style-type: none"> <li>• Watershed-based permitting is an approach to develop permits for multiple point sources located within a defined geographic area.</li> <li>• Allows the Department to consider watershed goals and the impact of multiple nutrient sources.</li> </ul>
<b>Water Quality Trading</b> <a href="#">Missouri Water Quality Trading Framework</a>	<ul style="list-style-type: none"> <li>• Trading is a market-based approach for compliance with effluent limitations</li> <li>• Instead of, or in addition to, upgrading facilities, permittees can buy and sell water quality credits to meet effluent limitations</li> <li>• Point to point source trades or nonpoint source to point source trades can be made</li> </ul>
<b>Integrated Management Plans</b> <a href="#">Missouri Integrated Planning Framework</a>	<ul style="list-style-type: none"> <li>• Allows communities to prioritize investments to meet environmental requirements</li> <li>• Plan development is voluntary and the responsibility of the community</li> <li>• Plan development is a method to include utility rate payers in the decision making process</li> <li>• May provide assurance which allows relaxation of timelines for regulatory requirements such as permit requirements, enforcement action, and TMDL development</li> </ul>

## **Incentives for Early Nutrient Reduction**

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Receiving water quality may benefit from earlier nutrient reductions resulting from wastewater treatment optimization, pilot testing, stress testing, new technology trials, etc. as well as from trading for nutrient reductions or offsets. The Department encourages wastewater utilities to make voluntary reductions of nutrients earlier than required, improving the receiving water quality. In exchange, permittees will receive regulatory flexibilities, such as extended compliance schedules to achieve final effluent nutrient limits or other water quality-based effluent limits. In addition, permittees adopting early nutrient reduction strategies could balance other regulatory obligations through integrated planning. Permittees also may accrue credits for watershed-based trading.

Wastewater utility participation in an early nutrient reduction is voluntary. Any method of achieving early reductions in nutrients is allowable, whether achieved with nutrient removal optimization, a water quality trade, a source reduction plan, watershed nutrient reductions, or capital improvements to implement nutrient removal. If TMDLs or other watershed-based nutrient reduction strategies are developed, baselines for utilities will be established based upon point source sector reduction requirements in the absence of such early actions (i.e., facility-specific early action performance will not be set as the future regulatory requirement). This will eliminate regulatory disincentives for taking early nutrient reduction actions.

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# Appendices

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**A – Missouri Department of Conservation Fish Stocking Information Letter**

**B – Methodology for the Development of the 2020 Section 303(d) List in Missouri**